

THE

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The Rodis Manuscript

R E P O R T

OF A

C O M M I T T E E

APPOINTED BY THE

SOCIETY OF UNITED IRISHMEN OF DUBLIN,

TO ENQUIRE AND REPORT THE POPERY LAWS ENACTED

IN THIS REALM."

EDITION, revised, corrected, and continued to the present time.

To which is prefixed an INTRODUCTION.

DUBLIN

PRINTED FOR P. STANLEY, M.D.

ERRATA.

The Reader's Attention is requested to the following *Corrections*.

- Page 11, Line 25, Strike out the first word "the" and insert the word "two"
 —56, After the word "is" insert the words "or shall be"
 12, —34, After the word "Church" insert the following words "or
 protestant dissenting ministers"
 —36, After the word "Church" insert the following words "or
 other protestant ministers"
 28, —56, Strike out the word "or" and insert the word "and"
 29, —5, For "devised" read "derived"
 31, —57, For "Oaths" read "Oath"
 38, —54, For "to" read "two"

INTRODUCTION.

AS the Irish popery laws have at length become a subject of so much notorious consideration as well as abhorrence, and as their violence has of late years undergone some mitigation thro' the liberality of the times, and the deep impression made by the exemplary good conduct of the great catholic body, it is thought necessary to prefix to this second edition of our report, a simple view of the actual state of the popery laws for the reader less habituated to the intricacies of statute reading. In doing this we waive all observation except what is necessary to render the intention of the legislature distinct and evident, and we forego that method in which the legislature has arranged the various regulations of which those statutes are composed, wishing to state their present operation in a short and familiar manner.

In every well regulated community, the education of youth has been Education.
an object of the greatest notice.

The Irish popery laws have not been inoperative on this point.

Those who are acquainted with the constitution of our university, need not be informed, that none, except those who conform to the established church, can be admitted to study there, and that none can obtain the degrees therein, who have not previously taken all the tests, oaths and declarations; so that papists are entirely excluded from education in the authorized establishment for learning in their own country.

No popish university or college can be erected or endowed.

No popish school can be endowed.

But, if we truly conceive the sense of the legislature, (which from the obscurity of its language in this as in other instances is not easy,) a papist, on taking the oath of allegiance, and subscribing the declaration prescribed by the 13th and 14th Geo. 3. ch. 35. does thereby *qualify* himself to instruct in learning publicly and privately youth of his own persuasion, but lest he should educate any protestants, and thereby have opportunity of making proselytes, the law has provided that he shall not receive into his school any protestant, or become an usher, undermaster or assistant to a protestant schoolmaster.

Protestants and converts from popery educating or permitting their children (not already papists, and above fourteen years of age) to be educated papists, shall be subject to such disabilities as papists are.

Any convert, if a justice of peace, who educates any of his children under sixteen years of age in the popish religion, shall, on conviction of acting as such, suffer one year's imprisonment, forfeit £.100 and be incapable of being an executor, administrator or guardian.

The children of papists are deemed papists until they conform, except such as from the age of twelve years have been constantly bred up in the protestant religion, and received the sacrament according to the church of Ireland, who shall be reputed protestants, unless they at any time after the age of eighteen years declare themselves the communion of the church of

Rome, or be present at mattins or vespers according to the practice of that church, in which case they shall be subject to all the penalties affecting converts relapsing to popery.

Upon this view of the law concerning education, the nation may judge of the *liberal indulgence* afforded to the Roman Catholics by admitting them to the *benefits of education*.

Guardian-
ship.

The law concerning guardianship stands simply thus — Papists, other than ecclesiastics, taking the oath of allegiance and subscribing the declaration prescribed by the 13th and 14th Geo. 3. ch. 35, are thereby qualified to be guardians of their own child or of the child of a papist, but not of the child of a protestant.

Marriage.

As to the law concerning marriage, it is extremely simple in its severity, as it consists of but one regulation, for, every marriage *celebrated* by a popish priest, between two protestants or between a papist and any person who has been or has professed him or herself to be a protestant at any time within twelve months before such marriage, shall be null and void without any process, judgment or sentence of law whatsoever, and nevertheless, the popish priest who *celebrates* such marriage shall on conviction be guilty of felony without benefit of clergy or of the statute, and suffer *death* accordingly, for, says the lawyer, the *celebration* and not the *marriage* constitutes his offence — In order to obtain evidence of the fact, two justices of the peace are empowered to summon any persons whom they *suspect* to have been present at any marriage, which they *suspect* to have been made contrary to this law, as well as the parties *suspected* to be married, and such *suspected parties* and *suspected witnesses* declining to appear or refusing to declare upon oath their knowledge of the facts or refusing after declaration of the facts to enter into recognizance to prosecute, shall be imprisoned for three years.

It must be admitted that the legislature has lately declared that it shall and may be lawful to and for protestants and persons professing the popish religion to intermarry, provided the marriage be celebrated by a clergyman of the established church; but when it is considered that, in the Roman Catholic persuasion, marriage is a *sacrament* and ought to be celebrated according to the rites and ceremonies of that church, it will be readily granted, that by establishing the legality of intermarriages no very *liberal indulgence* was offered to the Roman Catholics, the more especially as there is a saving in favour of the law that enacts "that a protestant married to a papist, or a convert married since his conformity to a papist, shall not be intitled to vote, at any election of *members to serve in parliament*, in right of being a *freeholder* or *protestant inhabitant of a borough*".

Selfdefence.

There is another head upon which the legislature has thought proper to change the course of the common law; it is the *right of selfdefence*, which is complicated with the use of *arms*. Now this right, though one of the laws of nature, and indeed the first of them, is yet so liable to so many dangerous abuses, that wise communities have found it necessary to set several restrictions upon it, especially temporary ones, on some imminent danger to the public from foreign invasion. The method which the statute law of Ireland has taken upon this delicate article is to get rid of all difficulties at once, by an universal prohibition to all persons, who are not protestants, at all times, and under all circumstances, to use or keep any kind of weapons whatsoever. In order to enforce this regulation, severe penalties, without any regard to proportion, are inflicted; new modes of inquisition are enjoined; the largest powers are vested in the lowest magistrates. Any justice of the peace, or any magistrate of a city or town corporate, with or without information, by themselves or by their warrant, at their discretion, whenever they think proper, at any hour of the day or night, are empowered *forcibly* to enter and to search the house of any papist or of any *protestant* whom they *suspect* to keep arms in trust for a papist. This, we say, they may do at their discretion; and it seems a pretty ample power to be vested in the hands of that class of magistrates.

Besides the discretionary and occasional search the law has prescribed one that is general and periodical. It is to be made annually, under the warrant

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rants of justices of peace and magistrates of corporations, by the high and petty constables, or any others whom they choose to authorize, with all the powers, and with the same circumstances in every respect, which attend the discretionary and occasional search.

Not trusting however to the activity of the magistrates proceeding officially, the law has invited voluntary informers by the distribution of considerable rewards, and even pressed involuntary informers into the service by the dread of very heavy penalties.——With regard to the latter method, justices of the peace and magistrates of corporations are empowered to summon before them any person whatsoever, and to tender to him an oath, by which they oblige him to discover concerning all persons, without distinction of propinquity or connection, who have any arms concealed contrary to law, and even whether he himself has any. His refusal to appear, or appearing, his refusal to discover and inform, subjects him to *fine and imprisonment*, or such *corporal punishment of pillory or whipping* as the court shall in its discretion think proper.——Thus all persons, peers and peeresses, protestants as well as papists, may be summoned to perform this honourable service, by the bailiff of a corporation of a few straggling cottages, and refusing to perform it, are liable to be fined and imprisoned, pilloried or whipt.——The punishment for the first offence in *peers and peeresses*, if not pilloried or whipt, is £300, and for the second offence the punishment is no less than the penalties of a person attainted in a *præmunire*, that is, “the offender shall be out of the king’s protection, and his or her lands and tenements, goods and chattels, forfeited to the king: and his or her body shall remain in prison at the king’s pleasure.”——The punishment for the offence in *persons of an inferior order*, if not pilloried or whipt, is (without any consideration of what their substance may be) £50, and one year’s imprisonment, and for the second offence they are subject to the penalties of a person attainted of a *præmunire*.——So far as to involuntary, now as to voluntary informers. If the punishment of the offender be a fine, the law intitles them to one half of the same.

The only exception to this law is a licence from the Lord Lieutenant and privy council to keep such arms as shall be particularly expressed in the licence.——This possibility of a privilege is by its own nature so remote, on account of the difficulty of application in private cases to the supreme executive authority, that we do not believe, that there are ten persons now in the kingdom who have been fortunate enough to obtain it.

We will now say something concerning the exercise of religion.

Exercise of
Religion.

All inhabitants of this realm must attend divine service according to the established religion at their parish church upon every Sunday and holiday upon pain of ecclesiastical censures and of forfeiting 12d. for every time of absence.

All superstitious meetings and assemblies of pilgrims at wells and pretended sanctified places are declared riots and unlawful assemblies, and punishable as such.

Magistrates are to demolish all crosses, pictures and inscriptions that are any where publicly set up, and are the occasion of popish superstitions.

None shall bury in suppressed monastery, abbey or convent not used for divine service, or within the precincts thereof, upon pain of £10 from any person present, by order of a justice of peace.

Justices of peace are to suppress all monasteries, friaries, nunneries or other popish fraternities or societies.

A popish *secular* ecclesiastic, who registers himself pursuant to the act for that purpose, and takes and subscribes the oath and declaration prescribed by the 13th & 14th Geo. 3. ch. 35, and also a popish *regular* ecclesiastic, if he be in the kingdom at the passing of the 21st & 22d Geo. 3. ch. 24, and makes the oath and declaration aforesaid, and registers himself pursuant to the act for that purpose in six months after the passing the said act of the 21st & 22d Geo. 3. ch. 24, are authorized to officiate, provided they do not officiate in any church or chapel with a steeple or bell, or at any funeral in any church-yard, or exercise any of the rites or ceremonies of the popish religion.

religion, or wear the habits of their order, (save within their several places of worship or in private houses) or shall use any symbol or mark of ecclesiastical dignity or authority, or assume or take any ecclesiastical rank or title, or procure, incite or persuade any protestant to become a papist.

All popish regular and secular ecclesiastics, not qualifying as above, or offending against any of the aforementioned provisions, and all papists exercising ecclesiastical jurisdiction are to be imprisoned till they be transported beyond seas, and if they should return from exile, they will thereby be guilty of high treason and suffer and forfeit as in case of high treason—and whoever harbours them shall for the first offence forfeit £20, for the second offence £40, and for the third offence all his lands of inheritance and freehold during his life and all his goods and chattels.

Every popish priest who becomes a protestant shall receive £40 yearly from the county in which he last officiated as a Roman priest during his residence in said county until he shall be provided for by some ecclesiastical benefice or licensed curacy of the same or greater value.

If any person shall seduce a protestant to renounce the protestant and profess the popish religion, the seducer and the seduced shall incur the penalty of præmunire mentioned in the 16th Rich. 2.

Real E-
states and
Chattel's
Real.

The popery penal law in respect to *real estates and chattels real*, has been in a great measure done away, and at this day, papists, upon taking the oath and subscribing the declaration mentioned in the 13th and 14th Geo. 3. ch. 35. in the manner and at the times and places prescribed by the law, are qualified to enjoy and acquire *real estates and chattels real* nearly as fully and beneficially as other subjects may.

However there are some disabilities still remaining.

Papists are disabled to buy or purchase a *y advowson*—And the right of presentation of a papist to any ecclesiastical benefice is vested in the crown.

Papists, making as aforesaid the oath and declaration mentioned in the 13th and 14th Geo. 3. ch. 35, may take, hold and enjoy any lands, tenements or hereditaments in any *manor or borough*, the freeholders or inhabitants whereof are entitled to vote for burgesses to represent such manor or borough in parliament, which shall descend from or be devised or transferred by a *papist* seized in fee, or tail, in law, or in equity, of the same at the passing of the 17th and 18th Geo. 3. ch. 49. or person deriving from a *papist* then so seized.

If any protestant is seized of any lands, tenements or hereditaments in such manor or borough, no papist is capable of taking the same by reason of any descent, devise, or gift, from such protestant, but the law vests the same, until his conformity, in the next protestant of the inheritable blood.

Papists, upon making as aforesaid the oath and declaration before mentioned are not disabled from taking any lease in lands, tenements or hereditaments in any such manor or borough for any term of years not exceeding 999 years certain, or for any term of years determinable on any number of lives not exceeding five, with or without liberty of committing waste, and disposing of the same by will or otherwise as fully and beneficially to all intents and purposes as any other his majesty's subjects may, save that upon every such lease a rent *bonâ fide* to be paid in money shall be reserved, and save that a maintenance and portion may be granted thereout to any child of a popish parent possessed of the same upon a bill filed against such parent in chancery pursuant to the 2d Anne, ch. 6. which enacts "that upon a bill filed in chancery by a child of a popish parent, professing or desirous to profess the protestant religion, against such parent, that court may make such order for the maintenance of such child, not maintained by such parent suitable to the degree and ability of such parent and age of such child, and also for the portion of such child to be paid at the death of such parent as the court shall judge fit, suitable to the degree and ability of such parent."

But if any papist buys or purchases lands, tenements or hereditaments, in such manor or borough from any protestant, or any lease or terms thereof, other than for the beforementioned term of 999 years or other number of years

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years determinable on five lives, *such* lands, tenements, and hereditaments, so conveyed or leased, and all collateral securities made or entered into to cover or make good the same are discoverable, and may be sued for and recovered by a protestant discoverer.

This discoverer so vested with this property is enabled to find it out by every mode of inquisition, and to sue for it with every kind of privilege, not only the Courts of Law are open to him, but he may enter, and this is the usual method, into either of the courts of equity; he may bring bills against the parties, whom he suspects to be possessed of this forbidden property, against those whom he suspects to be their trustees, and against those whom he suspects to be privy to the transaction, and oblige them, upon oath, under the guilt and penalties of perjury, to disclose the exact nature, and just value of their estates and trusts in all the particulars, in order to effect their forfeiture.—In such suits, the informer is not liable to the delays which the ordinary procedure of those courts throws into the way of the most equitable claimant, nor has the papist the indulgence, which they allow to the most fraudulent defendant, that of plea and demurrer; the defendant is obliged to *answer* the whole directly upon oath, and the old rule of “extending benefit and restraining penalty” is by this law struck out of the Irish jurisprudence, and the contrary rule is established, directing that, upon all doubts these penal laws should be construed in the largest and the most liberal sense against the defendant.

Until the 2d May 1782, papists were incapable to purchase from *protestant or papist any rents or profits out of or annuity chargeable on any lands, tenements or hereditaments*, and at this day no papist is capable to buy or purchase from *protestant or papist any rents or profits out of lands, tenements or hereditaments in such manor or borough*, or take any *annuity chargeable on such lands, tenements or hereditaments*.—and all securities whatsoever for the securing of any *such annuity* are void, and any judgment had on such annuity, so far as such judgment may affect *such lands*, is also void.

In respect to the leases taken by papists under the powers granted by the 17th and 18th Geo. 3. ch. 49, it is to be observed, that those leases, if taken at any time within the 1st August and 1st November 1778, were liable to be charged with maintenance and portion for the children of a popish parent possessed of the same, if a bill grounded on the 2d Anne, ch. 6. was filed for that purpose before the 1st November 1778, but if no such bill was filed before the 1st November 1778, such leases so previously taken and in the actual possession of the papist on that day ceased to be liable to such charges.—It must also be observed as to those leases taken by papists under the powers granted by the 17th and 18th Geo. 3. ch. 49, that if taken at any time after the 1st November 1778, and before the 2d May 1782, (or since if of lands in such beforementioned manors or boroughs) they were and do now continue liable to be charged with such maintenance and portion—as to leases of any lands, tenements, or hereditaments, (save in such beforementioned manors or boroughs) taken by papists after the 1st May 1782, they are within the provision of the statute of the 21st and 22d Geo. 3. ch. 24, “which enables papists, upon making as aforesaid the oath and declaration beforementioned, to take and dispose of lands, tenements and hereditaments and any interest therein as fully and beneficially as other subjects may” and are therefore not liable to such charges.

To conclude our observations on the subject of *real* property, we have only to take notice, that the law directs that *debts and incumbrances* affecting the *real* estates of *papists* shall, within six months, be enrolled in the court of Exchequer, in some public office belonging to and appointed by such court for that purpose, and that in default of such enrolment, such debts and incumbrances shall not charge the *lands* in the hands of a *protestant*.—The Auditor General's Office is the place appointed for that purpose by the court of Exchequer.—The intent of this law was to prevent *pocket incumbrances* only.—Judgments are of sufficient notoriety, and, it is decid-

Goods and
personal
Chattels.

ed, that they are not within the view of the legislature, and that copies of them need not be enrolled in the Auditor General's Office.

Whatever effect the relaxing laws may have had upon *real-estates* and *chattels real*, the *goods and personal chattels* have not been affected by those laws in any respect, save that no maintenance or portion can be granted out of such property to any child of a popish parent upon a bill filed against such parent pursuant to the 2d Anne, *ch.* 6, in other respects the penalties of the law affecting such property remain as they did before the relaxing laws were passed.

If the *wife* of a papist conforms in his life time, she shall, if she survives him and be unprovided for by dower or by some settlement on his *real-estate*, receive such proportion of the *goods and personal chattels* whereof he shall die possessed or intitled unto as the court of chancery on a bill to be preferred by her grounded on the 8th Anne, *ch.* 3. may think reasonable, not exceeding one *third* part after debts and funeral expences, notwithstanding any will or voluntary disposition by him to the contrary or the *statute of distributions*.—The legislature in this instance has presumed that the husband omitted to make provision, for no other reason than that of her religion—if therefore a wife chooses to balance any domestic misdemeanors to her husband by the public merit of conformity to the protestant religion, the law will suffer no proofs of such misdemeanors to be brought to invalidate its presumption; she acquires a provision totally independant of the favour of her husband, and this in a great degree deprives him of that source of domestic authority which the common law has left in families, that of rewarding or punishing by a voluntary distribution of his effects what in the opinion of the husband was the good or ill behaviour of his wife.—And yet it is to be observed that tho' the law meant a favour to the conforming wife, yet by a strange inaccuracy, in repealing as to her the provisions of the *statute of distributions*, it has deprived her of an advantage to which she would have been intitled under that statute in case her husband died intestate and without issue, as in such case by that statute she would be intitled, as against his collateral relations, to a moiety of the clear surplus of his *personal-estate* after payment of debts and funeral expences.

The *child* of a papist, on conforming to the protestant religion, may file a bill in Chancery grounded on the statute of the 8th Anne, *ch.* 3. against the parent, and compel such parent, by the process of that court, to confess upon oath, the quantity and value of the *goods and personal chattels* of such parent over and above debts contracted *bonâ fide* for valuable consideration before the conformity.—Upon this conformity the court is impowered to seize upon and allocate for the *immediate maintenance* of such child any sum not exceeding one *third* of the said *goods and personal chattels*.—This *third*, as we said, for *immediate maintenance*, but as to *future establishment* upon the death of the parent, no limits whatsoever are assigned by the statute; the chancellor may, if he thinks fit, take the whole of such property, money, stock in trade or agriculture, out of the hands of the possessor, and secure it in any manner he may think expedient for that purpose, the act not having any sort of limit with regard to the quantity of such property which is to be so charged, nor having given any sort of direction concerning the means of charging or securing it.—But the policy of the legislature was not yet exhausted, because there was a possibility that the parent, tho' sworn and otherwise compellable, might by *false representations* evade the discovery of the ultimate value of *such property* on the *first bill*, *new bills* may be brought at any time, by any, or by all the children for a further discovery—*such property* of the parent is to undergo a fresh scrutiny, and in consequence of this scrutiny a new distribution is to be made, the parent can have no security against the vexation of reiterated chancery suits, and continual dissection of *such* his property, but by doing what must be confessed is somewhat difficult to human feelings, by sully and without reserve abandoning *such property* (which may be his *whole*) to be disposed of at the discretion of such a court in favour of such children—Is this enough, and has the parent purchased his repose by the total surren-

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der for once of such effects?—Very far from it; the law very expressly and carefully provides that he shall not; for as in the former case a concealment of any part of such effects is made the equitable ground of a new bill, so here any increase of them is made a second ground of equity; for the children are authorized, if they can find that their parent has by his industry or otherwise acquired any property since their first bill, to bring others compelling a fresh account, and another distribution of the increased substance proportioned to its value at the time that the new bill is preferred.

—They may bring such bills toties quoties, upon every improvement of such property by the parent, without any sort of limitation of time, of the number of such bills, or the quantity of increase in the estate which may justify the bringing them; in short, the law has provided, by a multiplicity of regulations, that the parent shall have no respite from the persecution of his children, but by totally abandoning not only all his present goods and personal chattels, but every hope of increase and improvement of such property—It is very well worth remarking that the law has purposely avoided to determine any age for these emancipating conversions, so that the children at any age, however in all other respects incapable of choice, however immature, or even infantine, are yet considered as sufficiently capable of disinheriting their parents, if we may be allowed the expression, and to subtract themselves from their direction and controul—by this part of the law the value of Roman Catholics in their goods and personal chattels is rendered extremely limited and altogether precarious, the paternal authority in such families undermined, and love and gratitude dependence and protection almost extinguished.

There only remains upon our Plan, to say something concerning *Franchises* *chises*.

No person shall hold any ecclesiastical office or employment without making a declaration against transubstantiation at the times and places and in the manner prescribed by the law

No person, without making a declaration against transubstantiation and receiving the sacrament according to the Church of Ireland at the times and places and in the manner prescribed by the law, shall hold any office or employment civil or military, except the office of high constable, overseer of the poor, churchwarden, surveyor of the high ways, or any like inferior civil office, or the office of Forester or keeper of a park, chase, warren, game, or bailiff of a manor or lands, or any like private office.—The office or employment is void, and the penalty for executing it is a disability to sue in law or equity, to be guardian, executor or administrator, to take a legacy or deed of gift, or to bear any office, and a forfeiture of £500.

Papists are not intitled to vote at vestries, (held for other purposes than paving and lighting) unless they happen to be the Churchwardens, in which case they vote, except for the repairing or rebuilding of Churches.

Papists are not to be parochial watchmen in times of tumult and danger—the Lord Lieutenant, the judge of such times, may, when he shall judge necessary, issue proclamations for the finding of protestants, and none other to be parochial watch.

Tho' papists may, by taking and subscribing the oath of allegiance prescribed by the 13th & 14th Geo. 3. ch. 35. qualify to be called to the bar, yet they are expressly excluded from being King's Council.

And tho' papists may in like manner qualify to be attorney, solicitor or notary, yet to be an advocate, proctor, or six clerk, the necessity of a declaration against transubstantiation still remains.

No person shall be capable of acting as a sheriff or sheriff's clerk, who has not been a protestant for five years immediately before such acting, under penalty of being subject to such disabilities as papists are.

No peer or member of the House of peers shall vote or make his proxy in such house, or sit there during any debate, nor shall any member of the house of commons vote or sit in the house of commons during any debate after the speaker is chosen, until such peer or member shall take and subscribe the declaration against transubstantiation. The penalty is a disability to hold or execute

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execute any office ecclesiastical, civil or military, to sit or vote in either house of parliament, or make a proxy in the house of Lords, to sue in law or equity, to be guardian, executor, or administrator, or to take any legacy or deed of gift, and a forfeiture of £500.

No *papist* is intitled to vote at the *election* of any member to serve in parliament, or at the *election* of any magistrate for any city or other town corporate.

No *papist* shall serve on, or be returned to serve on, any *grand jury*, unless it shall appear to the court, that a sufficient number of protestants cannot be had for that service.

In all trials of issues on any of the *popery laws*, the prosecutor or plaintiff may challenge any *papist* returned as juror to try the same.

And in actions between protestants and *papists*, challenge of a *papist* returned as a juror shall be allowed.

No *papist* shall serve as a juror upon trials for enlisting persons in foreign service.

Papists to serve on *juries* must have £10. per annum, clear freehold, except in counties of cities and towns.

King's and university professorships of physic are not open to *papists*.

Persons apprenticed, under the direction of authorized establishments for education, are invariably to be apprenticed to protestants.

No *sex clerk*, officer or deputy officer of any of the Four Courts, or of any court of record, ecclesiastical or admiralty, shall take any *papist* to be apprentice or clerk.

The reader has now before him such a view of the popery laws of Ireland as may enable him to form some sort of judgment upon the spirit of the whole system.

Saturday 21st January 1792.

SOCIETY OF UNITED IRISHMEN OF DUBLIN,

The Hon. SIMON BUTLER, in the Chair.

RESOLVED unanimously, That the following Report of our Committee appointed to enquire and report the Popery Laws enacted in this Realm, be now read :

THE Committee report that the Popery Laws may be considered under the following general heads, viz.

EDUCATION,
GUARDIANSHIP,
MARRIAGE,
SELF-DEFENCE,
EXERCISE OF RELIGION,
ENJOYMENT AND DISPOSITION OF PROPERTY,
ACQUISITION OF PROPERTY,
FRANCHISES.

1st. AS TO EDUCATION.

THE authorized establishments for learning in this realm are, by their constitutions, appropriated to those only who conform to the established church.

No person of the popish religion shall publicly teach school or instruct youth in learning, or in private houses teach or instruct youth in learning, within this realm, (except only the children or others under the guardianship of the master or mistress of such private house) under the penalty of £20. and three months imprisonment.

If a *popish* shall publicly teach school, or shall instruct youth in learning in any private house, in this realm, or shall be entertained to instruct youth in learning, as usher, under-master or assistant by any protestant school-master, he shall be *assumed* and taken to be a popish regular *clergyman* and to be prosecuted as such, and incur such penalties as any *popish regular clergyman* is liable unto by the laws of this realm.

No person whatsoever qualified to teach or keep school publicly, or teach and instruct youth in learning in any private house, or as usher or assistant to any protestant, who shall not first, or at the next general assizes or quarter sessions, take the oath of allegiance, and subscribe and make the declaration and the oath of abjuration, as in the act of the 24th Ann; c. 6. is expressed, under the penalty of £10. one moiety to the prosecutor and the other to the poor of the parish.

If any person after 21st September 1709 shall discover any popish school-master, or any popish teaching or instructing youth in private houses, as tutor, or as usher, under-master or assistant to any protestant school-master, so as the said popish school-master, tutor or usher, under-master or assistant to any protestant school-master be apprehended and legally convicted, every person making such discovery shall receive as a reward for the same £10.

7th Will. 3.
ch. 4. S. 9.
1694.

8th Ann.
ch. 3. S. 16.
1708.

S. 20.

to be levied on the popish inhabitants of the county where such popish school-master, tutor, usher, under-master or assistant taught or instructed youth, or did most commonly reside, and shall be convicted thereof.

S. 21.

Two justices may summon any papist of sixteen years of age, and examine such person touching the being, residence and abode of any popish school-master, tutor, usher, under-master or assistant to any protestant school-master, who may be disguised, concealed or itinerant in the country, and if such person refuse to appear, or to be examined as aforesaid, such person shall be imprisoned for one year, unless such person pays a sum not above £20. to the poor of the parish; such examination to be only for offences committed within thirty days, and the person examined and confessing, shall be discharged from all penalties incurred by reason of any offence so confessed.

21 & 22d
Geo. 3. ch.
62. S. 1
1782.
S. 2.

So much of the 7th Will. 3. ch. 9. and 8th Anne, ch. 3. as subjects papists who publicly teach school, or instruct youth in learning in any private house, to like penalties as any popish regular convict, repealed.

Not to extend to popish school-master who shall not take and subscribe the oath of allegiance and declaration mentioned in the 13th and 14th Geo. 3. ch. 35. in one of the Four Courts, or at the quarter sessions for the county of Dublin, or before a judge of assize in open court.

S. 3.

Not to extend to any popish school-master, who shall receive into his school any protestant, or to any papist who shall be entertained to instruct youth in learning as usher, under-master or assistant, by any protestant school-master in this realm.

S. 4.

Not to be construed to allow erection or endowment of any popish university or college or endowed school in this realm, or to authorize any papist or priest to teach or keep school, who shall not have first obtained licence of the ordinary, which the ordinary is impowered to grant and recall from time to time as he shall think proper.

32d Geo. 3.
ch.
1792.

From the passing of this act, it shall not be necessary that the license of the ordinary shall be obtained in order to authorize any person of the Roman Catholic Religion, to keep or teach school—provided that such person shall in all other respects perform the requisites required by and conform himself to the act of 21st and 22d Geo. 3. ch. 62. which required that any person of the popish religion, who should teach or keep school, should first obtain the license of the ordinary of the diocese.

7th Will. 3.
ch. 4. S. 1.
1694.

In case any of his majesty's subjects of Ireland shall go or send any person to any public or private popish school, in parts beyond the seas, in order to be educated in the popish religion, and be there trained in the popish religion, or shall send money or other thing towards the maintenance of such person gone or sent and trained as aforesaid, or as a charity for relief of a religious house, every person so going, sending, or sent, shall, on conviction, be disabled to sue in law or in equity, or to be guardian, executor, or administrator, or take a legacy or deed of gift, or bear any office, and shall forfeit goods and chattels for ever, and lands for life.

S. 2.

Any justice of the peace, upon information that any person, or money, or other thing is gone or sent, contrary to this act, shall require to be brought before him all persons suspected or charged to have offended therein, and shall examine the persons so suspected or accused without oath, and any other person or witnesses on oath, concerning the same; if upon such examination it shall appear probable to him, that such person, sum of money, or other thing was gone or sent away contrary to this act; then he shall bind such suspected persons with sufficient sureties, and such other persons as he shall judge fit to give evidence, and the informer, in recognizances of £200. or such greater sum as to him shall seem reasonable, with condition to appear at the next quarter sessions of the peace for the county where such offence is supposed to be committed, or where the offender did last reside or was taken: At these quarter sessions the said justice of peace shall return the said examinations and recognizances to the clerk of the peace, in open court, who shall frame an information against the person suspected, who shall instantly answer thereto, and proceed to trial thereon, and if upon such trial

trial it shall by proof appear that any person, or money, or other thing, was by such person suspected, sent abroad, and if by such proof, it shall appear *probable* to the court that such sending was contrary to the act, then the person suspected must shew where such person sent then is, and also to what intent and purpose such money or other thing was sent, and such going or sending shall be adjudged to be going or sending contrary to this act, unless the person denying the same shall prove the contrary; if by failure of such proof, or otherwise, *upon examination*, it shall appear to the court that such offence hath been committed, the same being entered on record, shall be a conviction, as well of the person sent as of the person sending, and they shall incur the penalties aforesaid; half the forfeiture to the crown, the other to the prosecutor.

There lies an appeal from the quarter sessions to the *justices* of assize of the said county, at the next assizes. S. 3.

If any person be convicted of being sent beyond seas contrary to this act, by the conviction of the person sending him only, such person, upon his return into this kingdom, shall at any time within twelve months after his or her return, or within twelve months after his or her attaining the age of twenty-one years, upon his prayer, by motion in the King's Bench, be admitted to his trial, and such court shall forthwith cause an information to be exhibited against such person or persons, to which he or they shall plead, and thereupon the said court shall proceed to trial of such person or persons by jury of the county where the said court shall then sit; and the defendant or defendants in such case, shall upon his or their trial, be obliged to prove to what intent or purpose he, she, or they was or were sent beyond the seas, and unless he, she, or they shall make such proof, whereby it may appear, that he, she, or they were not sent contrary to this act, it shall be taken for granted, that he was sent contrary to this act, as though the same had been fully proved; and in case, upon his, her, or their trial, such person or persons shall be acquitted, he, she, and they, so acquitted, shall be discharged of all the penalties in this act, except his, her or their goods and chattels, and the profits of his, her or their lands incurred and received before such acquittal. S. 4.

Every such person sent as aforesaid, that shall within six months after his return into this kingdom, in the Court of Chancery or King's Bench, in term time, between eight and twelve in the morning, take the oaths and repeat and subscribe the declaration, mentioned and appointed in and by an act lately made in the parliament of England (intituled, "An Act for abrogating the Oath of Supremacy in Ireland, and appointing other Oaths,") shall from thenceforth be discharged of all the incapacities and disabilities aforesaid, and shall be restored to the receipt of the future growing rents, issues and profits of his said real estate only, but shall nevertheless lose all the past rents, issues and profits thereof, and all his personal estate. S. 5.

If such person, after taking said oaths and subscribing said declaration, shall profess the popish religion, or refuse taking said oaths and subscribing said declaration, when the same shall be tendered to him by the quarter sessions for the county where he resides, he shall incur all and every the aforesaid penalties, as if he had never taken said oaths or subscribed said declaration. S. 6.

Offences against this act may be inquired into, heard and determined before the justices of the King's Bench, or justices of assize, or gaol delivery, or of oyer and terminer of such counties where the offenders did last dwell or abide, or whence he, she or they departed, or were sent out of the kingdom, or where he, she or they went, or shall be respectively taken or apprehended. S. 7.

If any person shall upon his trial before the quarter sessions be acquitted by the said court, or upon his appeal to the judges of assize, shall by said judges of assize be acquitted, or in case he shall upon his trial be acquitted by the jury upon any indictment, presentment, or information, he shall not

GUARDIANSHIP.

not be liable to be prosecuted upon this act, in any other manner for the same offence.

2d Ann. ch. 6. S. 1. 1702. If any person of the popish religion, shall send or willingly suffer to be sent any child under the age of twenty-one years, (except sailors, shipboys, or the apprentices or factor of some merchant in trade of merchandize) beyond sea, without special licence of the King, or Lord Lieutenant, and four of the Privy Council of this realm, such person shall incur the penalties mentioned in the act of the 7th Will. 3. ch. 4.

S. 2. Any of the judges of the K. B. or C. P. or barons of the Exchequer, or two justices of the peace may, on reasonable cause of suspicion that such child has been sent abroad contrary to the act, convene the parent or guardian, or such other person as had the care of the child, and require that the child be produced in two months, and if the child be not produced within said time, nor reasonable cause shewn for obtaining further time for the same till the next following quarter sessions, nor proof made that the child is within this kingdom, or in England or Scotland, and not in parts beyond the seas, then such child shall be deemed to be then educated in foreign parts contrary to the aforesaid act, and shall incur all the penalties and disabilities in said act mentioned.

The 7th Will. 3. ch. 4. is repealed by 32d Geo. 3. ch. 1792.

2d Ann. ch. 6. S. 7. 1702. Children of papists, deemed papists till conformity.
8th Ann. ch. 3. S. 12. 1708. Converts in employment or place of profit or trust from the crown, members of parliament, barristers, attornies, solicitors, or officers in any court, shall educate their children, under fourteen at time of conversion, protestants, and for default thereof, such employment or place of profit or trust is null and void, such member of parliament shall be incapable to sit or vote in either house of parliament, and the party offending for ever incapable to have any employment or place of profit or trust under the crown, and every such barrister, attorney, solicitor or officer shall be incapable of practising as barrister, attorney, or solicitor, privately or publicly, or officiating in any of the courts—not to extend to the office of high or petty constable, tything man, headborough, overseer of the poor, church-wardens, surveyors of the highways, or any like inferior civil office in the kingdom.

6th Geo. 1. ch. 6. S. 17. 18. 1719. All children of popish parents or parent who from the age of twelve years, have been constantly bred up in the protestant religion, and have received the sacrament according to the church of Ireland as by law established, shall be reputed as protestants, and enjoy all the rights and privileges of protestants.—But if such children shall at any time, after they come to the age of eighteen years, declare themselves of the communion of the church of Rome, or be present at mattins or vespers, according to the practice of the church of Rome, they shall be subject to all such penalties as converted papists relapsing to popery, are by law liable to.

1st Geo. 2. ch. 20. S. 2. 3. 6. 1727. and 13th Geo. 2d. ch. 6. S. 22. 1739. All converts shall educate their children, who shall at the time of conversion be under fourteen years of age, or who shall be born after, in the protestant religion.—Converts educating or knowingly and willingly permitting their children to be educated in the popish religion, shall be subject to such disabilities and incapacities as papists are—Protestants educating or willingly and knowingly permitting their children (not already papists, and above fourteen years of age) to be educated papists, shall be subject to such disabilities as papists are.

2dly. AS TO GUARDIANSHIP.

14th & 15th Char. 2d. ch. 19. S. 14. 1662. ONE, not of the communion of the Church of England, dying seised of land for which his heir (within age) should have been in ward, Lord Chancellor, Chief Judges, Chief Baron, Chancellor of the Exchequer, and Master of the Rolls; or any three of them, after inquisition duly found and

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and returned into chancery of the death of such person and of his heir being under age, may dispose of the custody and tuition of such heir, until the age of twenty one, to any person next of kin to the heir, to whom the estate cannot descend, such person being of the communion of the Church of England, who is to educate such heir in the protestant religion.

If a protestant marry any woman, without having obtained a certificate in writing of the minister of the parish, bishop of the diocese, and some justice of the peace, living near the place where such woman shall be resident at the time of such marriage, or any two of them, of her being a known protestant, (which certificate shall be attested by two witnesses,) such person so marrying shall from and after such marriage, be in law deemed a papist or popish recusant, and (among other disabilities in this act set forth,) be disabled from being guardian to any person whatsoever, unless she is converted within a year, and a certificate thereof obtained from the bishop of the diocese or arch-bishop of the province, or the Lord chancellor, and inrolled in Chancery.

No papist shall be guardian unto, or have the tuition or custody of any orphan child or children under the age of twenty-one years, but the same, where the person having or entitled to the guardianship is or shall be a papist, shall be disposed of by the Court of Chancery to some near relation of such orphan child or children, being a protestant, to whom the estate cannot descend, in case there shall be any such protestant fit to have the education of such child, otherwise to some other protestant, who is to use his utmost care to educate such child in the protestant religion until the age of twenty-one years—And the Court of Chancery is empowered and required to make such order for the educating in the protestant religion, the child and children of any papist, where either the father or mother is or shall be a protestant, till the age of eighteen, as to that court shall seem meet; and in order thereto to limit and appoint where, and in what manner, and by whom, such child or children shall be educated; and the father of such child or children shall pay the charges of such education as shall be directed by said court; and such child or children shall and may be taken from such popish parent, for education according to such order—If any papist shall take the guardianship, or tuition of any orphan child or children contrary to this act, such papist shall forfeit £500. to the Blue-Coat-Hospital, in the City of Dublin.

It shall and may be lawful for a papist, who shall have taken the oath of allegiance and declaration in 13th and 14th Geo. 3. ch. 35. mentioned, except an ecclesiastick, to have the guardianship, care, and tuition of his or her own child or children, or of any child or children of a papist, any thing contained in the 14th and 15th Char. 2d. ch. 19. the 2d Ann. ch. 6. or 9th Will. 3. ch. 3. to the contrary notwithstanding,

A protestant father may dispose of the custody and tuition of his unmarried children, while under twenty-one years of age, to any person other than papists—Any father of the popish religion, not having lapsed from the protestant religion, may likewise dispose of the custody of his children under twenty-one years of age, to any person other than to an ecclesiastick of the Church of Rome—Papists not capable of being the guardian of a child of a papist, who shall not have taken and subscribed to the oath of allegiance and declaration prescribed by 13th and 14th Geo. 3. ch. 35—If the child of a papist under twenty-one years of age be conveyed out of the kingdom, the Court of Chancery, on a bill filed on behalf of said child, shall make provision for the preservation of the estates of such child, until brought back to Great Britain or Ireland, and given up to the custody of such guardian as shall have been appointed by the father of such child—So much of the 13th and 14th Char. 2d. ch. 19. as requires the issuing of an inquisition in certain cases, and enables the Chancellor, the two Chief Judges, the Chief Baron, and Chancellor of the Exchequer, and Master of the Rolls, to appoint a guardian to the children of persons not of the communion of the Church of England, dying seised of lands, for which their heirs would have been in ward before the passing of said act, is hereby repealed,

9th Will. 3.
ch. 3. S. 2.
1696.

2d Ann. ch.
6. S. 4.
1702.

21st & 22d
Geo. 3. ch.
62. S. 5.
1782.

30th Geo. 3.
ch. 29. S. 1.
1790.

S. 2.
S. 3.

S. 4.

3dly. AS TO MARRIAGE.

9 Will. 3d. IF a protestant woman unmarried, heir apparent to her ancestor, or
ch. 3. S. 1. having any estate or interest in lands, or £500. personal estate, marry any
1696. person without having first obtained a certificate in writing under the hand

Vide head
of Guardian-
ship.

of the minister of the parish, bishop of the diocese, and some justice of the peace living near the place, or any two of them (witnessed by two witnesses,) that he is a known protestant, they shall be incapable of holding such estates or interests, and the said estates and interests shall go to the next protestant of kin, to whom the same would descend or come to by law, were she and all intervening papists heirs, executors, or administrators dead intestate, and such protestant next of kin may sue for and recover the same as if legally entitled as heir, executor, or administrator to such woman, who to that purpose shall be dead in law—And such woman and her husband shall for ever be incapable of being heir, executor, administrator or guardian to any protestant.—And in case any protestant minister or papist priest, or other person whatsoever, shall join in marriage any protestant woman, having any of said estates or interests, to any person whatsoever, without such certificate, he or they, being convicted by confession or verdict, shall suffer one year's imprisonment, and forfeit £20. one moiety to the king and the other to the prosecutor.

S. 2.

Vide head
of Guardian-
ship.

If any protestant shall marry any maiden or woman, without having obtained such certificate, he shall be deemed a papist or popish recusant, and shall for ever afterwards be disabled from being heir, executor, administrator, or guardian to any person, as also to sit in either house of parliament, and also be incapable of having, bearing, or exercising any civil or military office or employment whatsoever, unless he procures her to be converted within one year, and obtains a certificate thereof under the hand and seal of the bishop of the diocese, or archbishop of the province, or chancellor of the kingdom, and inrolls the same in the Court of Chancery.

S. 3.

If any papist priest, or protestant minister, or other person whatsoever, marry any soldier, enlisted in his majesty's army in this kingdom, to any wife, without such certificate, he shall forfeit £20. to be levied by warrant of a justice of peace of his goods and chattels, or in default thereof committed to gaol until he pays the same, one moiety to the informer and the other to the use of the country—But appeal lies from the justice of peace to the justices of the next quarter sessions.

S. 4.

S. 5.

In all cases where a certificate is required by this act, that the person marrying is a known protestant, if any marriage shall be made without such certificate, and it can afterwards be made appear by proof, that such person was a known protestant, in such case they shall not be liable to any forfeitures or penalties in this act.

2d Ann. ch.

6. S. 5.
1702.

If protestant, having real or personal estate in this kingdom, marry a papist, either within this kingdom, or in any parts out of this kingdom, such person, being thereof convicted by indictment or information, shall incur the penalties in 9th Will. 3d. ch. 3. to be tried in any county where offender hath estate or chattels real, or in the City of Dublin, provided, that the certificate of a protestant minister, by whom any person shall be married out of this kingdom, attested by a public notary, containing the matter to be certified by the said former act by the persons therein mentioned, shall be sufficient and in lieu of the certificate required by said former act.

6th Ann. ch.

16. S. 1. 3.
6.

1706.

If any person above fourteen years of age, after 1st November, 1707, by indirect means allure or take away a maid, having substance in lands or goods, or being heiress and within the age of eighteen years, from her parent or guardian, and with her consent contract matrimony with her, or if the son and heir or other son of a person having £50. per annum in lands or £500. personal estate, or of a person deceased, shall marry before twenty-

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twenty-one years of age without consent of parent or guardian, the *popish* priest presuming to celebrate the marriage of any of the persons aforesaid, or celebrating matrimony between any persons, knowing that at the time of such marriage they or either of them be of the protestant religion, shall, on conviction, be adjudged to be a popish regular, and shall suffer all the pains, penalties and forfeitures of a popish regular.

If any popish priest shall, after the 1st of September 1709, be prosecuted for offending contrary to the 6th Anne, c. 16. in celebrating matrimony between any persons, knowing at the time of such marriage, they or either of them to be protestants, and it shall appear that the said persons so married, or any one of them, was or were a protestant or protestants at the time of the marriage, it shall be presumed, allowed and concluded to all intents and purposes, that the said popish priest did celebrate matrimony between the said persons, knowing at the time of such marriage that they, or one of them, were of the protestant religion, unless the said popish priest shall produce and prove a certificate or certificates, under the hand and seal or hands and seals of the minister or ministers of the parish or parishes where the parties so married did, at the time of the said marriage, respectively reside, certifying that the said person or persons were not of the protestant religion at the time of the celebration of said marriage.

If any popish priest shall, after 25th of April 1726, take upon him to celebrate any marriage between two protestants or reputed protestants, or between a protestant or reputed protestant and a papist, such popish priest shall be guilty of felony, without benefit of clergy or of the statute.

The justices of the peace may summon persons *suspected* to be married by such popish priest, or to have been present at the celebration of such marriage, and examine them upon oath, where, and by what person, and with what form and ceremonies such marriage was celebrated, and what religion the persons married professed, and who were present at such marriage; and if the persons so summoned neglect to appear, or refuse to be examined, or after examination refuse to enter into recognizance to prosecute, they shall be imprisoned three years, but if they shall submit to do as aforesaid, within the three years, they are then to be discharged upon such their submission, and doing as aforesaid.

No minister shall, after 25th March 1737, knowingly, in any church or chapel where divine service is celebrated according to the usage of the church of Ireland, publish the banns of matrimony between any persons, whereof one is of the protestant and the other of the popish religion, nor without a certificate from three persons of the parish or parishes where such banns are published, that the parties so intending to marry, are both of the protestant, or both of the popish, religion; and every minister offending herein shall be liable to such ecclesiastical censure, as he would have been by the ecclesiastical law of this kingdom for celebrating a clandestine marriage.

After the 1st May 1746, every marriage celebrated by a popish priest, between a papist and any person who hath been or hath professed him or herself to be a protestant, at any time within twelve months before such celebration of marriage, or between two protestants, shall be null and void to all intents and purposes, without any process, judgment or sentence of the law whatsoever.

After 1st of May 1750, every popish priest who shall celebrate any marriage contrary to the 12th Geo. 1. ch. 3. and be thereof convicted, shall be guilty of felony without benefit of clergy or of the statute, and suffer death accordingly, although the marriage, so celebrated by such popish priest, be declared null and void by the 19th Geo. 2. ch. 13.

No convert shall be justice of peace, whose wife is a papist, or who educates any of his children under sixteen years of age in the popish religion; such person acting as a justice of peace shall, on conviction, suffer one year's imprisonment and forfeit £100. one moiety to the king, the other to the prosecutor, and shall be for ever incapable of being an executor, administrator, or guardian.

If any person or persons now or hereafter to be admitted a barrister, *for* clerk, attorney or solicitor, shall marry within this kingdom, or out of the

8th Anne,
ch. 3. S. 26.
1708.

12th Geo.
1. ch. 3.
S. 14
1725.
S. 2.

9th Geo. 2.
ch. 11. S. 6.
1735.

19th Geo. 2.
ch. 13. S. 1.
1745.

23d Geo. 2.
ch. 10. S. 3.
1749.

17th Geo. 2.
ch. 6.
1733.

7th Geo. 2.
ch. 5. S. 10.
same

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same, any woman of the popish religion, or shall educate, or permit to be educated, any of his children who are now under fourteen years of age, or shall be hereafter born, in the popish religion, such person so marrying or educating, or permitting any of his children to be educated in the popish religion, shall be thenceforth deemed a papist, and disabled from being a barrister, *fix clerk*, attorney or solicitor, unless such person so marrying shall, in one year after such marriage, procure such wife to be converted to the protestant religion, and obtain a certificate thereof, under the hand and seal of the bishop of the diocese or archbishop of the province, or, in their absence, of the chancellor or vicar-general of such archbishop or bishop, and procure said certificate to be enrolled in Chancery.

S. 13.

If any person who shall incur any disability in respect of marrying a woman of the popish religion, and not procuring her to be converted to the protestant religion within one year as aforesaid, shall survive such wife, such disability shall from and after her death cease and determine.

32d Geo.
3. ch.
1792.

So much of the 7th Geo. 2. ch. 5. as enacts "that if any person admitted a *barrister, attorney or solicitor*, shall marry any woman of the popish religion, such person shall be deemed a papist, and be disabled from being a *barrister, attorney or solicitor*," is hereby repealed; and every person so married or marrying, being otherwise duly intitled, may, notwithstanding such marriage, continue or be admitted to practise as a *barrister, attorney or solicitor*.

The act of the 9th Wm. 3. ch. 3. is hereby repealed—provided that the repeal thereof shall not in any sort affect any suit heretofore commenced and now depending grounded on said act.

So much of the 2d Anne, ch. 6. as subjects protestants intermarrying with papists either within the kingdom or in parts without the kingdom to the pains, penalties or disabilities inflicted by the said act of the 9th W. 3. ch. 3. is hereby repealed.

It shall and may be lawful to and for protestants, and persons professing the popish religion to intermarry, and to and for archbishops, bishops and all persons having lawful jurisdiction to grant licenses for marriages to be celebrated between protestants and persons professing the Roman Catholic Religion, and for clergymen of the established Church to publish the banns of marriage between such persons, and that clergymen of the established church, duly celebrating such marriages shall not be liable to any pain, penalty or censure for celebrating the same.

Provided that nothing herein contained shall extend to authorize protestant dissenting ministers or popish priests to celebrate marriage between protestants of the established church and Roman Catholics.

Provided that nothing herein contained shall extend or be construed to extend to enable any protestant who now is or hereafter shall be married to a popish wife to vote at any election of representatives to serve in parliament other than as he may by the laws in being before the passing of this act.

4thly. A S T O S E L F - D E F E N C E .

7th Will. 3.
ch. c. 5. 1.
1694.

ALL papists shall discover and deliver up to a justice of peace or head officer of their place of residence, all their arms, armour and ammunition. Any two justices of the peace, or any chief officer of a town corporate, by themselves or by their warrant, are empowered, from time to time, to search for and seize all such arms, armour and ammunition as shall be concealed in any house, lodging or other places where they shall suspect any such arms, armour or ammunition shall be concealed, and the same so seized preserve for the king's use, and return a true account thereof to the Lord Lieutenant. The search must be made between the rising and setting of the sun, other than in cities and their suburbs, towns corporate, market towns, if it shall

S. 1.

SELF-DEFENCE.

be so thought necessary, and the warrant for that purpose do direct and appoint: In case such justices of the peace or chief officer of town corporate, after such search made, *suspect* that any arms armour or ammunition remained concealed, they are required to cause the persons suspected of concealing the same to be brought before them, and to be examined upon oath concerning the same.—Every papist who shall have arms armour or ammunition, and not discover and deliver up the same, and every other person who wittingly shall have any arms armour or ammunition to the use of or in trust for such papist, and every such person who, upon demand or search made for such arms armour and ammunition, shall refuse to declare to the justices or persons impowered to search for and seize the same, what arms armour and ammunition they, or any other to his knowledge or with his privity have, or shall hinder the delivery thereof to the persons authorised to search for and seize the same, and every other person who shall refuse to make discovery on oath, to be administered by the said justices or chief officer of town corporate concerning the premises, or being summoned by warrant, under the hands of two justices of the peace, shall, without reasonable cause, refuse or neglect to appear before such justices of the peace or chief officer to be examined concerning the premises, shall forfeit in manner following, viz: if such person be a peer or peeress, he or she shall for the first offence forfeit £100. and for the second offence incur the penalty of a person attainted in a præmunire, and being thereof convicted, shall suffer punishment accordingly; if such person be under the degree of a peer or peeress, he or she shall for the first offence forfeit £30. and imprisonment for one year, and for the second offence incur and suffer the pains and penalties of persons attainted in a præmunire:—If the forfeiture by the peer or peeress, one moiety to go to the king, and the other moiety to the prosecutor.—Lord Lieutenant and privy council may, by order of privy council, licence any person, as he and they shall think fit, to keep such arms as shall be particularly expressed in such licence. Persons refusing the oaths and declaration in act mentioned, tendered by a justice of peace, shall be deemed papists. Magistrates neglecting or refusing to execute this act forfeit £50. one moiety to the king, the other to the prosecutor, and disabled to act.

No papist or reputed papist shall be employed as fowler for a protestant, or under colour thereof shall have, keep, carry or use any gun or fire-arms; the same may be seized by warrant of a justice of peace, and belongs to the informer, notwithstanding the same should be the property of a protestant.

The powers in 7th Will. 3. ch. 5. may be exercised by *all* justices of the peace and chief officers of cities and towns corporate; the penalty for first offence in peers and peeresses extended to £300 and in other persons to £50. and one year's imprisonment; said penalties of £300. and £50. to be divided between the king and the prosecutor. Justices of the peace for counties, and counties of cities, and counties of towns, at Midsummer quarter sessions yearly, shall issue warrants to constables and two others in each barony, to search for arms armour and ammunition in the possession of papists or other persons in trust for them; and the chief magistrate of every city and town corporate, not being a county of a city or county of a town, or his deputy, shall once in a year issue his warrant to the constables of each city or town to search in like manner. The chief magistrate, or his deputy, neglecting so to do shall forfeit £10. and every high constable neglecting to execute such warrant shall forfeit the sum of £5. and every petty constable neglecting to execute such warrant shall forfeit £1. the said respective penalties to be recovered by civil bill, by any person who shall sue for the same. If justices neglect to search, after due information upon oath, they forfeit £20. recoverable by civil bill to the use of the person suing for the same.—No papist, or other person in trust for him, shall for sale or otherwise, keep or have for or upon any pretence, whatsoever, any warlike stores, sword blades, barrels, locks or stocks of guns or fire-arms, on penalty, on conviction, of £20. by civil bill to the prosecutor, and imprisonment one year, and till the £20. be paid. Where

S. 3.

S. 7.

S. 12.

S. 13.

10th Will.
3. ch. 8. 8.
4.
1697.

12th Geo
2. ch. 6. 2.

1.

S. 2.

1739.

S. 3.

S. 13.

- S. 14. any protestant servant, by the direction, consent, or privity of his popish master, keep arms, such master shall be deemed as if he actually kept such arms, and shall suffer the penalties that are inflicted on papists who keep arms, and such servant shall be subject to said penalties as if he were a papist. All suits and prosecutions for any offence against this act shall be commenced within one year after the offence committed.
- S. 15. One or more justice or justices of the peace and all sheriffs and chief magistrates of cities and towns corporate, within their respective jurisdictions, may, from time to time, as well by *night* as by day, search for and seize all arms and ammunition belonging to any papist not licensed to keep the same, or in the hands of any person in trust for a papist, and for that purpose enter any dwelling-house, out house, office, field or other place belonging to a papist, or to any other person where such magistrate has reasonable cause to *suspect* any such arms or ammunition shall be concealed, and on suspicion, after search, may summon and examine on oath, the person suspected of such concealment.
- S. 17. Papists refusing to deliver or declare such arms as they or any with their privity have, or hindering the delivery, or refusing discovery on oath, or without cause neglect to appear on summons, to be examined before a magistrate concerning the same, shall, on conviction, be punished by fine and imprisonment, or such corporal punishment of pillory or whipping as the court shall in their discretion think proper.
- 26th Geo.
3. ch. 24.
S. 44.
1785. It shall be lawful for the commissioners of police and divisional justices, or any of them, acting under this act, to search *suspected* places within the district for concealed arms, and if they find any gun, pistol, sword or hanger in the possession of any one not qualified by law to bear or carry arms, it shall be lawful, and they are required, to seize, carry away, break and destroy all such arms.

5thly. AS TO EXERCISE OF RELIGION.

- 2d Eliz. ch.
2. S. 3.
1559. ALL persons inhabiting within this realm, shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or, upon reasonable let thereof, to some usual place where common prayer and such service of God as is in the book of common prayer mentioned shall be used in such time of let, upon every Sunday and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preachings or other service of God there to be used and ministered, upon pain of punishment by the censures of the church, and also upon pain that every person offending shall forfeit for every such offence 12d. to be levied off the goods, lands and tenements of such offender, by way of distress, by the churchwardens of the parish where such offence shall be done, to the use of the poor of said parish.
- 9th Will. 3.
ch. 1. S. 1.
1696. All popish archbishops, bishops, vicars-general, deans, jesuits, monks, friars, and all other regular popish clergy and all papists exercising any ecclesiastical jurisdiction, shall depart out of the kingdom before the 1st of May 1698: If any of the said ecclesiastical persons shall be at any time after the said 1st of May 1698, within the kingdom, they and every of them shall suffer imprisonment until he or they shall be transported beyond seas; and if any person so transported shall return again into this kingdom, they and every of them shall be guilty of high treason, and suffer and forfeit as in case of high treason.
8. 3. From and after the 29th of December 1697, no popish archbishop, bishop, vicar-general, dean, nor any other papist exercising ecclesiastical jurisdiction, not established by the laws of this kingdom, jesuit or friar, shall come into this kingdom from any parts beyond the seas, on pain of twelve months imprisonment, and then to be transported. And if any such

such popish ecclesiastical person so transported, shall again return into this kingdom, he and they so offending shall be guilty of high treason and suffer accordingly.

Any person who shall knowingly harbour, relieve, conceal or entertain any such popish ecclesiastic shall for the first offence forfeit £20. for the second offence £40. and for the third offence all his lands of inheritance or freehold during his life, and also all his goods and chattels, one moiety to the king and the other moiety (if not exceeding £100) to the informer; the forfeiture for the third offence to be recovered by bill, plaint, information or action of debt in any of the courts of record at Dublin, or at the assizes; as to the said forfeitures of £20. and £40. justices of peace, upon information on oath, may summon the persons, and inquire and levy the same by distress, sale or otherwise, and dispose of one moiety to the informer and the other moiety to the treasurer for the use of the county; and in default of payment to commit to prison until payment. None shall bury in supprest monastery, abbey or convent not used for divine service, or within the precincts thereof, upon pain of £10. from any person present by order of a justice of peace, one moiety to the informer and the other to the use of the parish—From the decision of the justice of peace, an appeal lies to the next judges of assize, or to the justices of peace at the next general quarter sessions.

Justices of peace may apprehend and commit all popish ecclesiastics, who remain in this kingdom contrary to this act, and suppress all monasteries, friaries, nunneries, or other popish fraternities or societies—And shall give account in writing of their proceedings in execution of this act, at the next general quarter sessions, to be there entered and registered—If any justice of the peace shall neglect doing his duty in execution of this act, he shall forfeit £100. one moiety to the king and the other to the informer, and be disabled from serving as a justice of peace during his life

Every clergyman of the popish religion, that shall come into this kingdom at any time after the first of January, 1703, shall be liable to the penalties by 9th Will. 3d. ch. 1. imposed on the popish ecclesiastics therein mentioned, and any person who shall knowingly harbour, relieve, conceal, or entertain any such clergyman, shall be liable to the penalties by said act of 9th Will. 3d. ch. 1. imposed on the harbourers, relievers, and concealers of the popish ecclesiastics therein mentioned, to be levied in same manner—Every subject to use his utmost diligence in apprehending such clergyman—If any justice of the peace shall neglect doing his duty in execution of this act, he shall forfeit £100. one moiety to the king and the other to the informer, and be disabled from serving as a justice of the peace during his life—Every person who has returned, or come, and offended contrary to said act of 9th Will. 3d. ch. 1. or who shall at any time hereafter return, or come into this kingdom contrary to the said act, or to this act, shall and may be indicted, and tried for same in such county wherein found and taken, or in any county where the king by commission under the great seal shall direct and appoint.

This act to continue in force for fourteen years, and to the end of next session of parliament after expiration of said fourteen years—Made perpetual by 8th Ann. ch. 3. f. 17.

Whereas superstitious of popery are increased and upheld by pretended sanctity of places, as St. Patrick's purgatory in county Down, and wells, to which pilgrimages are made, by which the public peace is disturbed and safety of the government hazarded, it is enacted, that all meetings and assemblies for such purpose shall be adjudged riots and unlawful assemblies, and punishable as such—and all magistrates are required to be diligent in putting the laws in force against all offenders, in the above particulars.

Every person meeting or assembling there, forfeits, on conviction before a magistrate, 10s. one moiety to the informer, and the other to the poor, and on default of payment to be publicly whipped, which is to be inflicted within twenty-four hours after order for same.—Every person who at

S. 4.

S. 5.

S. 6.

S. 7.

S. 8.

S. 9.

S. 10.

2d Ann. ch.

3d. S. 1.

1702.

S. 2.

S. 3.

S. 4.

S. 4.

2d Ann. ch.

6. S. 26.

1702.

S. 27.

EXERCISE OF RELIGION.

such assemblies, builds booths, sells ale, victuals, or other commodities, forfeits, on conviction before a magistrate, 20s. to be levied by distress and sale of the goods of offender; and in default of distress, by the imprisonment of the offender till payment, the said 20s. to be applied to the service of the public, in such manner as the sessions shall appoint—And magistrates are required to demolish all crosses, pictures, and inscriptions that are any where publicly set up, and are the occasions of any popish superstitions.

2d Ann. ch. 7. S. 1. 1702. Popish priests *now in the kingdom*, at next sessions after St. John the Baptist 1704, shall return to the clerks of the peace, their names, abode, ages, parishes, time and place of receiving orders, and from whom, and give security for good behaviour, and not to remove to other parts of the kingdom, under the penalty of transportation as popish regulars, and incurring like penalties upon their return into the same, as popish regulars are liable to, under the 9th Will. 3d. ch. 1. and the clerks of the peace shall transmit, in ten days after the sessions, such return (on pain of £10.) to the clerk of the council, who is to give a receipt without fee, (on pain of £20.) and the return, so transmitted, may be viewed without fee—Popish priests neglecting to register pursuant to this act, shall leave the kingdom before 20th June, 1706, on pain of prosecution as popish regulars—No popish priest shall keep or have any popish curate, assistant, or coadjutor.

S. 3. This act to continue in force for five years, and until the end of the next succeeding parliament, and no longer.

S. 4. It never was continued, and it is of course, expired.

4th Ann. ch. 2. S. 1. 1704. Popish priests, or persons exercising the office of Popish priests, other than such priests *who have actually registered* pursuant to the 2d Ann. ch. 7. if found in this kingdom after 24th June 1705, shall be liable to the penalties by 9th Will. 3d. ch. 1. imposed on the popish ecclesiasticks therein mentioned—Any person who shall, after 24th June 1705, knowingly harbour, relieve, conceal, or entertain any such unregistered popish priest, or person exercising the office of popish priest, shall be liable to the penalties by 9th Will. 3d. ch. 1. imposed on the harbourers, relievers, and concealers of the popish ecclesiasticks therein mentioned, to be levied in same manner.

S. 3. All subjects to use diligence in apprehending such as are not registered—If a magistrate neglects his duty in execution of this act, he forfeits £5. one moiety to the king, and the other to the informer.

This act to continue in force to the 21st Sept. 1708, and to the end of the then next sessions of parliament.

This act made perpetual by the 8th Anne ch. 3. §. 17.

8th Ann. ch. 3. S. 19. 1708. No popish parish priest shall keep or have any popish curate, assistant, or coadjutor, and every popish parish priest, that shall keep any such popish curate, assistant, or coadjutor, shall lose the benefit of having been registered, and shall incur and suffer all the pains and penalties of a popish regular, and shall be prosecuted as such, and every such popish curate, assistant or coadjutor, shall be deemed and taken as a popish regular, and shall be prosecuted and proceeded against accordingly.

S. 20. If any person, after the 1st of Sept. 1709, shall discover any archbishop, bishop, vicar general, dean, jesuit, monk, friar, or any other regular popish clergyman, or any papist exercising any ecclesiastical jurisdiction, or any secular popish clergyman who hath not been legally registered, so as the said regular or secular clergyman be apprehended and legally convicted, every person making such discovery, shall receive as a reward for the same, the several sums following, viz. £50. for every archbishop, bishop, vicar general, or other person exercising any foreign ecclesiastical jurisdiction in this realm, and the sum of £20. for each regular clergyman and each secular clergyman not registered pursuant to the law, to be levied on the popish inhabitants of the county, where such regular or secular popish clergyman did respectively exercise such foreign jurisdiction, or officiate as a popish priest, and shall be convicted thereof

EXERCISE OF RELIGION.

17

Two justices may summon any papist sixteen years old to appear before S. 21. them in three days at a certain time and place not above five miles from his habitation — If such papist shall neglect to appear, or appearing, shall refuse to give his testimony on oath, where, and when he heard, or was present at the celebration of the popish mass, and who celebrated the same, and who, and what persons were present at the celebration thereof, and likewise for, and touching the being, residence and abode of any popish regular clergyman, who may be disguised, concealed, or itinerant in the county, and also fully answer to all such matters, circumstances, and things for, and touching such popish person offending, within thirty days, contrary to this and the former act, to prevent the further growth of popery, such papist shall be imprisoned for one year, unless he or she pays a sum not exceeding £20. to the poor of the parish—the papist so examined and confessing, shall be discharged from any penalty by him incurred, by reason of any offence so confessed.

Popish priests, registered pursuant to the act for that purpose, shall take S. 22. the oath of abjuration, before 25th March, 1710, in one of the Four Courts, or at some quarter sessions held for the place where such popish priests were registered; upon neglect or refusal, and after said 25th March 1710 celebrating mass, or officiating as a popish priest, such popish priest shall incur and suffer such penalties as a popish regular clergyman convict is liable unto.

No popish priest shall officiate in any parish, except that for which he was S. 25. registered, under the penalties popish regular convict is liable to.

No popish ecclesiastick, who hath heretofore taken and subscribed, or who S. 21st & 22d shall hereafter take and subscribe the oath of allegiance and declaration, pre- Geo. 3. ch. scribed by 13th and 14th Geo. 3d. in the manner and form herein specified and set forth, and who shall register his christian and surnames, place of abode, age, and parish, if he have a parish, and the time and place of his first and every other popish orders, and from whom he received them, with the register of the diocese where his place of abode is, shall, after the passing of this act, be subject to any of the penalties, incapacities, or disabilities mentioned in 9th Will. 3d. ch. 1. 2d Ann. ch. 3. 2d Ann. ch. 6. 2d Ann. ch. 7. 4th Ann. ch. 2. 8th Ann. ch. 3. 24. S. 3. 1782.

No benefit to regular popish clergy, who shall not be in the Kingdom at S. 4. the time of passing of this act, nor to any regular popish clergy then in this kingdom who shall not have taken and subscribed the said oath and registered his name and additions six months after the passing of this act, nor to any popish ecclesiastick, who shall not upon his change of place of abode, or of popish orders, or removal from the parish which he had so returned, and as often as it shall so happen make a return of such change and removal within six months after it shall happen, to the then register of the diocese, where he had originally registered his name and additions as aforesaid.

No benefit to any popish ecclesiastick, who shall officiate in any church S. 6. or chapel with a steeple or a bell, or at any funeral in any church or churchyard, or who shall exercise any of the rites or ceremonies of the popish religion, or wear the habits of their order, save within their several places of worship, or in private houses, or who shall use any symbol or mark of ecclesiastick dignity or authority, or assume or take any ecclesiastick rank or title whatsoever.

No benefit to any popish ecclesiastick, who shall procure, incite, or per- S. 8. suade any protestant to become a papist.

All and every the registers of the different dioceses through the king- S. 5. dom, shall enter the names and additions of such popish ecclesiasticks in a separate and distinct roll, to be by them kept in their respective offices, there to remain—and, on every first of January in every year, shall transmit copies of such returns made in the preceding year to the clerk of the privy council, upon pain of forfeiting £100.

So much of 8th Ann. ch. 3. as subjects any papist to fine and imprison- S. 9. ment, on his refusal to appear and testify on oath before two justices of the peace,

peace, where, and when he heard the popish mass celebrated as the same is usual in the church of Rome, and also the names of the persons celebrating and present at it, and the residence of any popish ecclesiastick, is hereby repealed.

2d Ann.ch.
7.
S. 2.
1702.

Convert priest to have for maintenance £10. yearly, during residence in the county in which he conformed, till otherwise provided for, levied on the county, as money charged by juries, and paid by moieties, and such convert publicly to read the liturgy of the Church of Ireland, in the *English or Irish* tongue, in such places and at such times as the archbishop or bishop shall direct.

This act to continue for five years, and until the end of the next ensuing parliament, and is long expired.

2d Ann.ch.
3.
S. 18.
1702.

The maintenance for convert priest increased to £40. a year—such convert to read as aforesaid.

This act revived and continued eleven years by 31st Geo. 2d. ch. 9. s. 1. and to the end of the then next session of parliament—and by 11th and 12th Geo. 3d. ch. 19. s. 11. revived and continued for eleven years, and to the end of the then next session of parliament—and is now expired.

11th and
12th Geo. 3.
ch. 27.
S. 1.
1772.

The maintenance for convert priest increased to £40. per annum—such convert required to read once every week, the common prayer or liturgy of the Church of Ireland, and *preach* in the *English* tongue in such places and at such times as archbishop or bishop shall direct.

This act to continue in force seven years from 24th June, 1772, and to the end of the then next session of parliament—and is now expired.

19th and
20th Geo.
3. ch. 39.
1780.

From and after 24th June, 1780, every popish priest who hath heretofore conformed to the protestant religion, or who shall become a protestant during the continuance of this act, and shall be approved of as a convert, and shall be received into the church by the archbishop or bishop of the diocese wherein he resided and officiated as a Romish priest, and who shall conform himself to the Church of Ireland as by law established, and who shall have taken the oaths and subscribed the declarations in such manner as the conformable clergy are obliged to do, at any quarter sessions, shall have as maintenance £40. yearly, to be paid to them by the treasurer of the county wherein he officiated when a popish priest, by two equal payments on every 25th of March, and 29th of September, during his residence in such county, until he shall be provided for by some ecclesiastical benefice or licensed curacy of the same or greater value, subject nevertheless to suspension or deprivation by the archbishop or bishop of the diocese wherein he shall reside in like manner as the inferior clergy are subject to, and provided that such convert priest shall publicly read once a week, the common prayer, or liturgy of the church of Ireland, and preach in the English tongue, in such places and at such times as archbishop or bishop of the diocese shall direct—Said £40. levied off the inhabitants of the *County of the City or Town*, where such priest resided, or officiated before conformity in like manner as money is levied, that is charged upon the *said Counties, or Counties of Cities or Towns*, and to be paid such priest by equal parts—And grand juries at spring and summer assizes in counties, and in County and County of the City of Dublin at Easter and Michaelmas terms, shall present £20. as the half yearly maintenance, or the sum of £40. as the yearly maintenance of such convert priest.

This act may continue for seven years and to the end of the then next session of parliament.

This act revived and continued to the 24th of June, 1796, and to the end of the next session.

29th and
30th Geo. 3.
ch. 40.
S. 11.
S. 12.
1796.

The receiving into the church conforming priest, as in said act is mentioned by any archbishop or bishop of this kingdom, shall be deemed as effectual for entitling such priest to the maintenance in said act mentioned, as if he had been so received by the archbishop or bishop of the diocese, wherein he resided and officiated as a Romish priest.

Not to extend to entitle such conforming priest to any maintenance, save only from that county wherein he last officiated as a popish priest before the time of his conformity.

S. 13.

If any person shall seduce, persuade, or pervert any person or persons professing, or that shall profess the protestant religion, to renounce, forsake, or abjure the same, and to profess the popish religion, or reconcile him or them to the Church of Rome, then and in such case, every such person so seducing as also every such protestant who shall be so seduced, perverted, and reconciled to popery, shall, on conviction, incur the danger and penalty of præmunire mentioned in the statute of præmunire, made in England in 16th Rich. 1d.

2d Ann.ch.

6.

S. 1.

1701.

6thly. ENJOYMENT AND DISPOSITION OF PROPERTY.

FROM and after the 1st of May 1703, upon bill filed in Chancery, by or on the behalf of a child or children of a popish parent, professing or desirous or willing to be instructed in the protestant religion, against such popish parent, it shall and may be lawful for said court to make such order for the maintenance of every such protestant child, not maintained by such popish parent, suitable to the degree and ability of such popish parent, and to the age of such child, and also for the portion of every such protestant child, to be paid at the decease of such popish parent, as that court shall adjudge fit, suitable to the degree and ability of such parent.

2d Ann.ch.

6.

S. 3.

1702.

In case the eldest son and heir of such popish parent shall be a protestant, then from the time of the inrollment in the court of Chancery of a certificate of the bishop of the diocese in which he shall inhabit, testifying his being a protestant, and conforming himself to the church of Ireland, such papist parent shall become only tenant for life of all the real estate, whereof such popish parent shall be then seised in fee or fee tail, and the reversion in fee shall be then vested in such eldest son being a protestant, subject nevertheless to all such debts and real incumbrances at the time of the inrolment of such certificate charging such estate, and subject also to such maintenances and portions for the other children, as well protestants as papists, of such popish parent then born or after to be born, as the said court of Chancery in manner aforesaid shall order for them respectively, such portions not to exceed the value of one-third part of the inheritance of such estate, which shall be held and enjoyed accordingly, discharged of all voluntary settlements made by such parent, and also of all sales and incumbrances made by him after such inrollment of such certificate; and the court of Chancery shall take care that distinct rolls be kept for inrollment of such certificates, which shall publicly hang up or lie in the public office belonging to said court for that purpose by said court to be appointed.

All lands whereof any papist now is or hereafter shall be seised in fee or fee tail, shall, from henceforth, so long as any papist shall be seised of the same in fee or fee tail, be of the nature of gavel-kind, if not sold, aliened or disposed of by such papist in his life, for good and valuable consideration of money really and bona fide paid, and if the eldest son be a papist, shall descend to all the sons and so to their sons, for want of sons to daughters, for want of such issue among collaterals of kin to the father, for want of such kindred among collaterals of kin to the mother, notwithstanding any grant, settlement or disposition, by will or otherwise, that shall be made by such papist, other than such sale, alienation or disposition for money really and bona fide paid as aforesaid; subject nevertheless to all such debts and real incumbrances at the time of the decease of such papist charging such estate, and also subject to such reasonable maintenances and portions as such papist shall charge thereon for his daughters: But if the eldest son or heir at law of such papist be a protestant at the death of such papist, such certificate of such eldest son being a protestant

S. 10.

S. 11.

S. 12.

ENJOYMENT OF PROPERTY.

protestant not having been inrolled in the life of such papist, the lands whereof such papist shall be so seized shall descend to such eldest son or heir at law according to the rules of the common law, so as such certificate of the bishop be inrolled within three months after the death of such papist charging such estate; and if the eldest son or heir at law of such papist, being twenty-one years of age at the death of such papist, shall become a protestant and conform to the church of Ireland within one year after the death of such papist, or being then under the age of twenty one years, shall within one year after he shall attain that age, become a protestant and conform to the church of Ireland then from inrollment in the court of Chancery of the certificate of the bishop of the diocese, in which he shall inhabit, testifying his being a protestant and conforming as aforesaid, in manner aforesaid, such inrollment being made within the year aforesaid, he shall have the whole real estate of such papist, as he might have if he had been a protestant at the time of the death of such papist, notwithstanding any *grant, settlement or disposition by will or otherwise* that shall be made by such papist, other than such sale, alienation or disposition for money really and bona fide paid as aforesaid; subject nevertheless to such debts and real incumbrances as the death of such papist charging the estate; and in every case where such eldest son shall be intitled as aforesaid, by reason of his being a protestant, such real estate shall be chargeable and charged with such *maintenance and portions* for the daughters and younger sons of such papist as the court of Chancery shall direct and appoint to be raised for them, such portions not to exceed the value of one-third of such estate.

S. 4.

Debts and incumbrances on estate of papist before the first of February 1703, shall, before the first of June 1704 be inrolled in the Exchequer; those after said first of February 1703, in six months after making thereof; said rolls to be kept in some public office belonging to the said court; in default of inrollment, the lands, while belonging to a protestant; not to be charged.

S. 25

Where any papist claims any advowson, or right of presentation to any ecclesiastical benefice, or where any protestant claims same in trust for a papist, such advowson or right of presentation shall be *ipso facto* vested in the crown, according to such estate as such papist has in the same, until such papist or his heir shall take the oath and subscribe the declaration and adjuration in this act mentioned and conform to the protestant religion.

8th Anne,

ch. 3.

S. 25.

1708.

Where and as often any child or children of any popish parent or parents hath or have heretofore professed or conformed him or themselves unto; or shall hereafter conform him or herself to the protestant religion as by law established, and inroll in Chancery a certificate of the bishop of the diocese in which he she or they shall inhabit or reside, testifying his her or their being a protestant or protestants and conforming his her or themselves to the church of Ireland as by law established, it shall and may be lawful for the court of Chancery, upon a bill founded upon this act, to oblige the said popish parent or parents to discover upon oath the full value of all his her or their estate, as well personal as real, clear over and above all real incumbrances and debts contracted *bona fide* for valuable consideration before the enrollment of such certificate, and thereupon to make such order for the support and maintenance of such protestant child or children by the distribution of the said real and personal estate to and among such protestant child or children for the *present support* of such protestant child or children, and also to and for the *portion or portions, and future maintenance or maintenances* of such protestant child or children, after the decease of such popish parent or parents, as the said court shall judge fit, notwithstanding any fraudulent gift or sale, or voluntary disposition, or any voluntary charge or incumbrance by statute-staple, judgment, bond, devise, or otherwise, made, entered into, acknowledged, suffered or done, after the inrollment in chancery of the said certificate, provided such order and distribution among the protestant children of such popish parent shall not exceed one-third

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third of the personal and real estate, for the *maintenance and support* of such protestant child or children *during the life* of such popish parent.

Whereas such popish parents do frequently set up fraudulent settlements and incumbrances, and make fraudulent leases at low rents, to make their estate real and personal appear small and of little value, in order to deprive such of their children as shall become protestants of a reasonable support and maintenance, and whereas the estate of such popish parents may increase after such portions and allowances made by the court of Chancery, it is enacted, that notwithstanding any decree for portion and maintenance made up or inrolled, it shall and may be lawful for the court of Chancery, upon a new bill or bills founded on this act, (by which it shall be discovered and made appear that the estate real or personal of such popish parents was much greater than at the time of the decree it appeared to be, or that such popish parents had increased or improved the same) to increase or augment such *portion or maintenance* formerly decreed or allowed to such protestant children of such popish parents according to the value of the estate real or personal of such parents at the time of such new bill or bills preferred—but if it shall appear to the said court, that such new bill or bills are groundless and vexatious, then the said court shall dismiss same, and award full costs to the defendant to be levied as costs in other cases are usually levied.

All and every settlement and settlements, fine and fines, common recovery and recoveries, and other conveyances, *had or made since the first of January, 1703*, of any lands, tenements or hereditaments in this kingdom by papist or papists, or by any protestant or protestants who turned papists at any time since the first of January, 1703, or by any papist together with his then protestant wife who hath turned papist, whereby any protestant or protestants are barred of any estate in reversion or remainder, whereunto such protestant or protestants was or were intitled at the time of levying such fine or fines, or suffering such recovery or recoveries, or making such conveyances, shall, as to such protestant or protestants, be null and void—not to extend to impeach or avoid any purchase or mortgage, estate or incumbrance, really and *bonâ fide* made for full and valuable consideration to any protestant or protestants,—subject nevertheless to all such debts and real incumbrances at the time of the decease of such papist charging such estate, as the same would have been subject to upon the descent thereof according to the true intent and meaning of the said act 2d Ann. ch. 6. and this act—and provided that every such protestant in remainder or reversion as aforesaid shall have the right, condition, or equity of redemption of all and every such mortgages or incumbrances.

The gavel clause in 2d Anne, ch. 6. s. 10. shall be deemed to take effect from the first day of that session of parliament—and all settlements, bargains and sales, releases, feoffments, and other conveyances whatsoever, and all fines and recoveries, made, executed, levied or suffered by any papist, of any lands, tenements or hereditaments, since said first day of that session of parliament, to elude the said act, or which may any way prevent or hinder such lands, tenements or hereditaments, from descending or going in gavelkind, or to the eldest son of any papist, turning protestant, according to the true intent of said act, shall be null, void, and of none effect—not to extend to any lands, tenements or hereditaments, sold, aliened, disposed of or settled, *after the 25th of September, 1703, and before the 25th of March, 1704*, for good and valuable consideration of marriage, or of money *bonâ fide* paid, or to such reasonable maintenances and portions for daughters and younger children as such lands, tenements or hereditaments, were, are, or shall be charged with according to the said act; but that such sales, dispositions or settlements, shall stand and remain of force for the benefit of the several purchasers of said lands, tenements and hereditaments, and of the persons parties to the said marriage or marriage articles, and of such woman as shall have any jointure settled on her in consideration of such marriage, and of the issue of such marriage according to the scope and intent of such marriage settlement, and for the benefit of no other person whatsoever.

S. 14.

If any woman who was a papist at the time of her marriage with a popish husband, who *hath* any power reserved to him on any settlement, making him tenant for life, to limit or appoint any jointure on such wife, and yet hath not or shall not execute such power in his lifetime, if such woman shall become a protestant, and inroll a certificate thereof from the bishop of the diocese, and also receive the sacrament according to the church of Ireland, she shall, if she survives her husband, have and enjoy such provision as the court of Chancery, upon a bill grounded upon this act, shall think reasonable, not exceeding the power reserved in such settlement.

S. 15.

Such popish wife or wives of such popish husband or husbands, who is or are now become a protestant or protestants, or shall hereafter become a protestant or protestants in the life of such popish husband or husbands, shall have and receive such proportion or share (not being otherwise provided for by virtue of any agreement before marriage, or by reason of dower or jointure, or other estate, charge or interest out of the freehold and inheritance of such husband before or after such marriage) of the *chattels, real and personal*, of her or their popish husband or husbands, whereof he or they shall die possessed of or intitled unto, as the Court of Chancery shall, on a bill to be preferred by such widow or widows, grounded on this act, think reasonable, not exceeding one-third part, after debts and funeral expences, notwithstanding any will or voluntary alienation or disposition to be made by such popish husband or husbands to the contrary, and notwithstanding the 7th Will. 3. intitled, "An act for the better settling intestate's estates," to the contrary in anywise.

S. 11.

No convert deemed protestant within the intention of this act, or the act of 2 Ann. ch. 6. notwithstanding a bishop's certificate, unless in six months after declaring himself or themselves protestants, or in six months after attaining eighteen, or those who have already been converted, do before 25th of December 1709, or in three months after he or they shall return into this kingdom, in case he or they be now out of this kingdom, take and receive the sacrament according to the church of Ireland, and make and subscribe the declaration pursuant to the 2d Ann. ch. 6. and take the oath of abjuration, and shall file certificate thereof in one of the four courts, in manner as a bishop's certificate is to be filed.

1st Geo. 3.
ch. 13. f. 2.
1760.

Such persons as have obtained the bishop's certificate of conformity, and after the obtaining the same, have professed the protestant religion, and have continued protestants, and have not performed all the other legal requisites of conformity, and shall perform the same before the 25th of March 1763, shall from time of conformity from popish to protestant religion, be deemed to be protestants of the established church to all intents and purposes. Provided nothing herein contained shall bar, defeat or prejudice any judgment or decree obtained by any person, or any suit commenced before the 25th of March 1762, and now depending. Continued to 1st December 1765, by 3d Geo. 3. ch. 3. f. 26.—continued to 1st December 1767, by 5th Geo. 3. ch. 16. f. 5—to 1st of October 1768, by 7th Geo. 3. ch. 20. f. 17—to 24th June 1772, and to the end of the then next session of parliament, by 11th Geo. 3. ch. 1. f. 6.—for six years and from thence to the end of the then next session of parliament, by 11th & 12th Geo. 3. ch. 3. f. 7.—to the 24th June 1791, and to the end of the then next session of parliament, by 19th and 20th Geo. 3. ch. 14. f. 2.

S. 3.

21st & 22d
Geo. 3. ch.
26. f. 1. 2. 3.
1782.

From and after the 1st of June 1782 any person shall be deemed a protestant to all intents and purposes, who shall, on a Sunday, at the time of divine service, take the sacrament according to the church of Ireland, from the hands of the minister or curate of any parish in this kingdom, and shall before such minister or curate, in the house of such minister or curate, or other convenient place make and subscribe the declaration pursuant to the 2d Anne, ch. 6. and also take from such minister or curate, the oaths of allegiance, supremacy and abjuration, and shall file in the court of Chancery a certificate, under the hand and seal of such minister or curate, of his or her
having

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having performed the said several requisites in six months after having received the sacrament, or in six months after eighteen years of age, if the person conforming be under that age at time of conformity, the minister or curate, to keep a roll of parchment containing said declaration and oaths, from which roll said declaration shall be read and said oaths administered, and being so administered and read, the person so conforming shall sign the same respectively.

No sale for full and valuable consideration of lands, or any estate or interest therein, by reputed owner or person in receipt of the rents, *heretofore* made to and merely for benefit of protestants, shall be impeached for or upon pretence of any of the disabilities, incapacities or forfeitures imposed or mentioned in or by the act made to prevent the further growth of popery, or in or by the act of 19th Geo. 2. ch. 7. provided that nothing herein shall affect any judgment or decree obtained, or any suit at law or in equity instituted, on or before the 2d of March 1762, for the recovery of such lands or estate or interest therein.

1st Geo. 3.
ch. 12. f. 1. 2.
1760.

No protestant title heretofore derived from a convert by purchase or otherwise, affected by such convert's not performing legal requisites of conformity if he obtained a bishop's certificate, and continued a protestant.

Ch. 13 f. 1.

Title, possession, estate or interest of protestants in or to any lands, shall not be avoided or impeached by the aid of the popery laws, by colour of any right which accrued twenty years before the first of this session, if no suit has been commenced within that time, and some person of full age, sound memory, out of prison, in this kingdom, and discover, who might have sued for the same, hath been in being within that time. The title, estate or interest of any protestant to lands derived by purchase from any convert or reputed convert from popery, or from any reputed protestant, shall not be avoided or impeached by the aid of any of said laws. Extended by 13th & 14th Geo. 3. ch. 25. to the first day of the then session of parliament, revived and continued to the 24th of June 1790, and to the end of the then next session of parliament, by 17th & 18th Geo. 3. ch. 36. f. 10.

3d Geo. 3.
ch. 26. f. 1. 2.
1763.

No papist shall, after the 10th of January 1695, be capable to have or keep in his possession, or in the possession of any other person to his use, any horse, gelding or mare, which shall be of the value of £5. any protestant discovering on oath, to any two justices of the peace, or chief magistrate of any city, town corporate, that any such horse be in the possession of a papist, or of any person in trust for him, may, with a constable and assistant appointed by such justices or magistrate, in the day time, search for and secure such horse, and in case of opposition, break open any door, and bring said horse before such justices or chief magistrate, and on paying or making tender, before such justices or chief magistrate, of £5. 5s. to the owner of such horse, or in his absence to the justice or magistrate, to the use of such owner, shall have the property of such horse, as if bought in market overt.

7th Will. 3.
ch. 5. f. 10.
1694.

If any person conceal, or be aiding in the concealing such horse, and be thereof convicted by the oaths of two witnesses, before any justice of the peace of the county where such horse shall be concealed, he shall be imprisoned three months, and forfeit treble the value of such horse, which value is to be settled by the sessions.

S. 11.

Papists may keep stud mares and stallions, and their breed under the age of five years—not to hinder the Lord Lieutenant from seizing and securing any horse, mare or gelding belonging to a papist, upon any invasion likely to happen, or in case of intestine war broke out or likely to break out. In case the Lord Lieutenant shall order any horse or mare so seized, to be delivered back to the owner, the person having or keeping such horse or mare in his custody, by the authority aforesaid, may keep or detain the same, until the owner pays 6d. for every night said person did keep such horse or mare, by virtue of the authority aforesaid.

8th Anne,
ch. 3. S. 34.
S. 35.
1708.
S. 36.

The above act of 7th Will. 3. ch. 5. f. 10, 11 and 8th Anne, ch. 3. f. 35. 36 repealed by 21st & 22d Geo. 3. ch. 24. f. 10.

Civil officers, as often as the safety of the kingdom requires it, may be empowered, by proclamations to seize horses of papists (except breeding

2d Geo. 1.
ch. 9. f. 11.
maree
1715

- mares, stallions and horses under four years old) and detain them ten days, during which time any person serving in the militia, may pay £5. to seifer for the use of the owner (the charge of seizing and keeping such horses deducted) and the property of any horse thereby absolutely vested in the militia-man; but if no such sum is paid within the time aforesaid, the horse shall be returned to the owner, he paying the charges of seizing and keeping it. Papists on proof of having horses at the time of proclamation, or a month before, shall produce them on demand, on refusal within three days (unless bona fide disposed of before information) he shall be committed till payment of £10. one moiety to the informer, and the other to the use of the militia of the barony in which such papist shall dwell.
- S. 12. Papist house-keepers to find a fit protestant to serve in militia in his stead, or refusing he forfeits double the sum a protestant would forfeit, in case he refused to attend the service of the militia in his own person, or by a sufficient man in his stead, when thereto lawfully required.
- S. 16. Papists to pay toward the militia double to what the protestant pays. This act of the 2d Geo. 1. ch. 9. is expired.
- 6th Geo. 1. Justices of assize and justices of sessions for the county of Dublin, may, for encouragement of the militia drawn out on days appointed, by presentment of the grand jury; levy 20s. on each of said days, on the popish inhabitants of the county, for refreshment of each company. This act is expired.
11. f. 4. 1719. Lord Lieutenant may, when necessary, require that the parish watches in this kingdom shall be kept in the several parishes by protestant watchmen only, then when it shall come to the turn of a papist to watch, such papist shall provide a protestant to be approved of by a justice of peace, in default, the justice may appoint a protestant, and levy 12d. each night on the papist, by the distress and sale of his goods, and pay it to such protestant. So much of the said act as subjects such papist to the penalty is repealed by 21st & 22d Geo. 3. ch. 24. f. 12.
- 9th Geo. 2. Robberies by privateers during war with a popish prince, and losses thereby sustained, shall be presented next assizes for the county, by the grand jury, after due notice given thereof, according to the laws already in being in cases where persons are robbed, and after such presentment made, such orders shall be made at such assizes for reimbursing them their losses, and for levying the same on the lands, tenements and hereditaments, goods and chattels of all the popish inhabitants of the county where such robbery shall be committed, in the same manner as money is to be levied for robberies by tories, robbers or rapparees, who are papists, by any law now in force. This is repealed by 21st & 22d Geo. 3. ch. 24. f. 11.
- 17th & 18th Geo. 3. ch. 49. f. 2. 1778. All lands, tenements and hereditaments whereof any papist or person professing the popish religion is *now* seized, or shall be seized, by virtue of a title legally derived by, from or under such person or persons *now* seized in fee simple or fee tail, whether at law or in equity, shall from and after the first of August 1778, be descendable, devisable, and transferable, as fully, beneficially, and effectually as if the same were in the seisin of any other of his majesty's subjects in this kingdom.
- S. 7. From and after the 1st of November 1778, the conformity of the eldest son, and the filing of the bishops certificate, and performing the requisites by that act or any other act required in that respect, shall not affect or alter the estate of any popish parent, by making such popish parent become tenant for life, or by vesting a reversion or estate in such eldest son, but such popish parent shall remain seized and possessed of the same estate and interest in all and every his or her real estate, as he or she would have been if such eldest son had not conformed, or said act of the 2d of Anne had not been made.
- S. 9. Nothing herein contained shall affect the right, title, claim, or estate of any eldest son and heir of a popish parent, who has, or at any time before the passing of this act, shall have conformed in such manner as is by the said act directed, or of any person deriving by, from or under such eldest son and heir of such papist.

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All and every person and persons, being in the actual possession of any lands, tenements or hereditaments, under titles which shall not have been litigated before the 1st of November 1778, whether derived by descent, devise, limitation, or purchase, and all persons deriving under settlements made upon marriages, or other valuable consideration by papists in possession, shall have, take hold or enjoy the same, as if said acts of 2d and 8th Anne had not been made. S. 10.

Nothing herein contained shall affect any right, claim or title already vested, upon which any action or suit is now depending, or shall be instituted with effect and without delay; and that all and every conveyance heretofore made by any papists, or persons professing the popish religion, to any protestant for the use of a protestant, shall be as valid and effectual as if such conveyance was made by a protestant. S. 11.

No maintenance or portion shall be granted, to any child of a popish parent, upon a bill filed against such parent, pursuant to the said act 2d Anne, out of the personal property of such papist, *except out of such leases which they may hereafter take under the powers granted in this act*, any thing contained in any act or statute to the contrary in any wise notwithstanding. S. 6.

No papist shall take any benefit by this act, who does not on or before the 1st of January 1779, if in the kingdom, or if abroad beyond the seas, or under the age of twenty-one years, or in prison, or of unsound mind, or under coverture, then in six months after return from abroad, or attaining the age of twenty-one years, or discharge from prison, or becoming of sound mind, or after she shall become a femme sole, take and subscribe the oath of allegiance and the declaration prescribed by an act of 13th & 14th Geo. 3. ch. 35. in one of the Four Courts or sessions for the county of Dublin, or before a judge of assize in open court; the names of the persons who take said oath and declaration, with their titles and additions, entered upon rolls for that purpose appointed by said courts, and said rolls, once a year, transmitted and deposited in the rolls office of this kingdom to remain amongst the records. S. 4.

No benefit to those who having been converted from the popish to the protestant religion, shall afterwards relapse to popery, nor to any person being a protestant, who shall at any time become a papist, or shall educate, or suffer to be educated, any of his children, under the age of fourteen years, in the popish religion. S. 12.

Whereas many of his Majesty's subjects professing the popish religion, have thro' inadvertence or sickness, omitted to take and subscribe the said oath and declaration within the time so prescribed as aforesaid, and are thereby excluded from the benefit of the said act of the 17th & 18th Geo. 3d ch. 49. and are subject to divers penalties and disabilities in consequence of such omission; it is hereby enacted, that all persons professing the popish religion, who shall on or before the 1st Nov. 1792, take and subscribe the said oath of allegiance and declaration in some one of the Four Courts, at the quarter sessions of the county of Dublin, or before the going judges of assize in open court, shall be intitled to the benefits of the said act of 17th and 18th Geo. 3d ch. 49. to all intents and purposes; and every such person who shall take and subscribe such oath and declaration within the time aforesaid, shall be freed and indemnified from all penalties and disabilities, to which he or she may be subject in consequence of such omission as aforesaid, as fully and effectually as if such person had taken and subscribed such oath and declaration, in such manner and form as are prescribed by said act of the 17th & 18th Geo 3d ch. 49. — Saving to all persons who have, or shall have instituted or commenced any action, or suit in law or equity, previous to this act, all such right, title, estate, and interest, both at law and equity, as they had, could, might or ought to have had, as fully to all intents whatsoever, as if this act never had been made. 32d Geo. 3. ch. 21. 1792.

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Eng. stat. of 1st Ann. sess. 1. ch. 32. 1701. ALL dispositions, and sales of the *forfeited* estates thence sold or contracted for, or should be thereafter sold, by the trustees herein mentioned, is, and shall be to protestants only;—Every papist shall be disabled to take any part thereof—All conveyances and declarations of trust to any papist concerning same, shall be void—No papist shall be capable to inherit, take, or make title to, by descent, purchase, limitation, devise, or other conveyance, or to have, hold, or enjoy any of said estates—And if any person professing the popish religion, or educated in the same, and not having publicly and solemnly renounced it, being of full age, shall not, in six months after accruing of his or her title, or being under the age of eighteen years, shall not, in six months after he or she shall attain said age, take the oath of allegiance and supremacy, and subscribe the declaration in this act mentioned, and continue to be a protestant, every such person shall be disabled to inherit or take, by descent, devise, or limitation, or purchase any of said estates, but, during the life of such person, or till his conformity, the next of kin, being a protestant, shall enjoy the estate, without being accountable for the profits—And all leases for lives or years, or otherwise to be made of any of the said premises, shall be made to protestants only; and if any such lease shall be made to, or in trust for any papist, or if any such lease be made to a protestant, and the same shall be afterwards assigned to, or in trust for a papist, every such lease and assignment shall be void, and the person making such lease or assignment, and the person to whom, or for whose use the same shall be made (in case of acceptance and enjoyment thereunder) shall forfeit treble the yearly value of the said estate so assigned and accepted—Not to extend to make void, any lease that is, or shall be made of any cottage or cabin, under the yearly value of thirty shillings, to any day labourer, with two acres of land.

The said several prohibitions and penalties, re-enacted and further enforced by an act passed in England, in the second session of the 1st of Ann. ch. 21.

The said acts of the 1st Ann. sess. 1. ch. 32. and 1st Ann. sess. 2. ch. 21. so far as here recited, were repealed by an English act of 18th Geo. 3. ch. 61.

2th Ann. ch. 6. S. 6. 1702. Papists or persons professing the popish religion, shall after the 24th of March 1703, be disabled to *buy* and *purchase* in their own names, or in the names of others to their use, any lands, or any rents or profits out of the same, or any leases or terms thereof, other than any term of years not exceeding thirty-one, whereon a rent not less than two thirds of the improved yearly value, at the time of the making such lease, shall be reserved and made payable during such term.

S. 7. No papist or person professing the popish religion, after the said first of February, 1703, who shall not in six months after being entitled to enter, or to take, or have the profits by descent, or by virtue of any devise or gift, or of any remainder already limited, or at any time hereafter to be limited, or by virtue of any trust of any lands, whereof any protestant now is, or hereafter shall be seized in fee simple or fee tail, or in such manner that after his death, or the death of him and his wife, the freehold is to come immediately to his son or sons or issue in tail, if then of the age of eighteen years, or if under, in six months after he shall attain that age, until which time, from his being so entitled, he shall be under the care of such protestant relation, or person conforming himself as aforesaid, as shall be for that purpose appointed by the Court of Chancery, for his being educated in the protestant religion, become a protestant, shall take any benefit by reason of such descent, devise, gift, remainder, or trust, but from thenceforth, during the life of such person, until he or she become protestant, the nearest protestant relation, or other protestant who would be entitled to the same, in case such papist and all intermediate papists were dead, shall enjoy the same, without being accountable for the profits to be received during such enjoyment,

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ment, subject to such charges, other than such as the disabled person shall make, and in such condition as the disabled person would have enjoyed the same, and also subject to such maintenance as the Court of Chancery shall think fit to allow to the children of such papist, until such children attain their respective ages of eighteen years——

S. 8.

If any papist, who would be entitled to the same by virtue of this act, on the disability incurred by any other papist, shall become a protestant, and conform, from such his conformity, such conforming person, being and continuing a protestant, shall be entitled as he would have been, if he had been a protestant, when the disability fell on such other papist—The person enjoying by virtue of this act, may demise and lease any part for twenty-one years or less without fine, reserving the best improved rent, or otherwise make or renew leases of the same, in such manner as the disabled person might or ought to do by virtue of any power only enabling him so to do, and such leases shall be good against the disabled person, and all claiming after him——In case any wilful waste shall be committed on the said lands by the person so enjoying the same, or any other by his or her license or authority, the party disabled, his or her executors or administrators, may recover full damages for the same, against the person committing such waste, his or her executors or administrators, by action of debt, in any Court of Record in Dublin——The wife of such person so disabled, being a protestant, shall have and be entitled to her dower and thirds at common law, as she would have been, if this act had not been made.

S. 9.

No person or persons that are, or shall be papists, or profess the popish religion, shall after the 24th of March, 1703, take or purchase any house or tenement, or come to dwell, or inhabit within the city of Limerick or suburbs thereof, or within the Town of Galway or suburbs thereof——And every person of the popish religion, now inhabiting the said city or suburbs of Limerick, or within the said town or suburbs of Galway, shall, before the 24th of March next ensuing, before the chief magistrate of the said respective city or town, become bound to the crown, with two sufficient sureties, in a reasonable penal sum, to be ascertained by the chief magistrate, recorder, and sheriffs of the said city and town respectively, or any two of them, with condition for his or her faithfully bearing themselves towards the crown, or in default of giving such security, such persons shall depart out of the said city, suburbs, and town aforesaid, on or before the 25th of March, 1703——Nothing herein contained shall be construed to hinder seamen, fishermen, or day labourers, from holding, or dwelling in houses worth forty shillings per year, or under, within the suburbs of the city of Limerick, or of the town of Galway.

S. 23.

S. 28.

So much of 2d Ann. ch. 6. as subjects any papist or papists, who shall, or may, after the 24th of March, 1703, take, or purchase any house or tenements, or come to dwell or inhabit within the city of Limerick or suburbs thereof, or within the town of Galway or suburbs thereof, to the penalties therein mentioned, is repealed by 21st and 22d Geo. 3. ch. 24. s. 13.

No papist, nor any in trust for a papist, shall, after the 10th of May, 1709, be capable to take, have, or receive any annuity for life, or term or years determinable on any life or lives, or for any greater or lesser estate, any way chargeable on, or that may affect lands——And all judgments, statute of the staple or merchant, recognizances, and all and every other security and securities whatsoever, which any time hereafter shall be entered into, acknowledged, made, or perfected to any papist, or to any in trust for a papist, for the securing of any such annuity or annuities, or performance of any such trust, and every judgment or judgments obtained, had, or to be had, on such annuity, as far only as such judgment or judgments, may affect any lands of such papist, shall be null and void to all intents and purposes——But any papist, to whom such annuity shall be granted, may upon judgment obtained, take out execution against the person and personal estate of such grantor.

8th Anne,
ch. 3
S. 1.
1703.

S. 2.

All

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S. 27.

All collateral and other securities by mortgages, judgments, statute-merchant or of the staple, or otherwise howsoever, which have been made or entered into, or hereafter shall be made, or entered into, to cover, support, secure, or make good, any bargain, sale, confirmation, release, feoffment, lease, or other conveyance contrary to 2d Ann. ch. 6. shall be null and void and of no effect to such papist, or person so purchasing in trust for him, or his heirs or assigns—And such lands so conveyed, or leased contrary to said act, and all such collateral securities, may be sued for by any protestant by action, real, personal, or mixt, founded on this act, in any court of law, or in any court of equity, if the nature of the case shall require it, who, on proof of the above, shall obtain a verdict, and judgment, or a decree thereupon, and recover the same, and have execution to be put into the seisin and possession thereof, to enjoy such lands according to the estate, which such papist had therein, subject to such rents, covenants, and conditions, reservations and all incumbrances, and portions whatsoever, as the same would have been subject to in the hands of such papist, and also to have the full benefit of all such collateral securities, as the party to whom the same shall be made might have had, if this act or the 2d Ann. ch. 6. had not been made.

S. 29.

Nothing herein, or in any former act contained, shall extend to weaken any estate, right, title, or interest of any protestant purchaser for valuable consideration bona fide from any person, who had purchased in trust for a papist, or from any protestant deriving under such purchaser, not having notice of such trust.

S. 30.

Any protestant may prefer one or more bill or bills in the Chancery or Exchequer, against any person or persons concerned in such sale, lease, mortgage, or incumbrance, and against all persons privy to such trust for papist, and to compel such person or persons to discover and detect such trust, and to answer to all matters and circumstances relating thereunto, as by such bill or bills shall be required—to which bill or bills no plea or demurrer shall be allowed, but the defendant shall answer the same at large upon oath—which answer shall be good evidence against the defendant in action to be brought upon this act, as in such cases is usual—And that all issues, to be tried in any actions or suit founded upon this act, shall be tried by none but known protestants.

S. 28.

Papists who in their own names, or in the name of other persons, or any in trust for them, have purchased land in fee, or any leases for years or lives, or other estate or interest, or lent money on mortgages, or purchased in mortgages (other than the forfeited lands, or mortgages on said lands) and have or shall on or before the 25th of December, 1709 become protestants, and enroll a certificate of the bishop of the diocese, in which they inhabit or reside, in the Court of Chancery, testifying their being protestants and conforming themselves to the Church of Ireland, and shall receive the sacrament according to the said Church, and make and subscribe the oath of abjuration mentioned in 2d Ann. ch. 6. and educate their children under fourteen years of age, from the time of their conversion in the protestant religion, such purchases and mortgages shall be as good and effectual in law and equity, as if they had been *protestants at the time* of such purchases or mortgages.

17th & 18th

Geo. 3. ch.

49. S. 1.

1778.

From and after the 1st of August, 1778, papists, or persons professing the popish religion, may take, hold, and enjoy any lease or leases, for any term of years not exceeding 999 years certain, or for any term of years determinable upon any number of lives, not exceeding five, with or without liberty of committing waste, and the same dispose of by will or otherwise, as fully and beneficially to all intents and purposes, as any other his majesty's subjects in this kingdom, save that a maintenance or portion may be granted thereout to any child of a popish parent possessed of the same, upon a bill filed against such parent, pursuant to the 2d Ann. ch. 6. and save that upon every such lease, a rent bona fide to be paid in money shall be reserved and made payable during such terms.

S. 4.

S. 2.

All

ACQUISITION OF PROPERTY.

All papists shall and may, from and after the 1st of August 1778, be to all intents and purposes, capable to take, hold, and enjoy all or any lands, tenements, or hereditaments, which shall descend from, or be devised or transferred by any papist who is *now* seized, or shall be seized by virtue of a title legally devised by from, or under such person *now* seized, in fee simple or fee tail, whether at law or in equity, any thing contained in 2d Ann. ch. 6. or 8th Ann. ch. 3. or in any other statute or law to the contrary, in any wise notwithstanding.

S. 2. 3.

No papist or person professing the popish religion, shall take any benefit by this act, unless he or she shall on or before the 1st of January 1779, or some time previous to any such lease made to or in trust for him, if he or she shall be in this kingdom; or within six months after any devise, descent, or limitation shall take effect in possession, if at that time within the kingdom, or if then abroad beyond the seas, or under the age of twenty-one years, or in prison, or of unsound mind, or under coverture, then within six months after his or her return from abroad, or attaining the age of twenty-one years, or discharge from prison, or becoming of sound mind, or after she shall become a femme sole, take and subscribe the oath of allegiance and the declaration prescribed by an act of the 13th and 14th Geo. 3. ch. 35. in one of the Four Courts, or at the quarter sessions of the peace for the county of Dublin, or before the going judges of assize in open court.—The names of such persons as shall so take and subscribe said oath and declaration, with their titles and additions, shall be entered on rolls appointed for that purpose by the said respective courts, and said rolls, once in every year, be transmitted to, and deposited in the Rolls Office of this kingdom to remain amongst the records.

S. 4.

S. 5.

No benefit to converts relapsed to popery.

S. 12.

S. 13.

Any person or persons, who have power under settlements to make leases for one or more life or lives, may, and shall have the like power, to let for any number of years, determinable on one life, for such number of lives as in their respective settlements mentioned and agreed upon, in respect to such power, subject however, to all and every other proviso, condition, and restriction in said settlement contained, concerning such leases.

From the 1st of May 1782, it shall and may be lawful for any person or persons professing the popish religion, to purchase, or take by grant, limitation, descent, or devise, any lands, tenements, or hereditaments, in this kingdom, or any interest therein, (except advowson, and also, except any manor, or borough, or any part of a manor or borough, the freeholders or inhabitants whereof are entitled to vote for burgesses to represent such borough or manor in parliament) and the same to dispose of, as he, she, or they shall think fit, by will, or otherwise; and that such lands, tenements, and hereditaments, so purchased or taken, shall be descendable according to the course of the common law, and devisable and transferable in like manner as the lands of, protestants, any law or statute to the contrary thereof, in anywise notwithstanding.

21st & 22d

Geo. 3. ch.

24. f. 1.

1782.

Provided that nothing herein contained shall be construed to disable any papist or person professing the popish religion, from taking any interest in lands, tenements, or hereditaments, and disposing of the same in such manner as such papist or person professing the popish religion, might have done by law before the passing of this act, in any such manor or borough.

Saving to all persons whatsoever, who have or shall have instituted or commenced any action or suit in law or equity, previous to the passing of this act, all such right, title, estate, and interest, both in law and equity, as they or any of them had, could, might, or ought to have had, as fully to all intents and purposes, as if this act had never been made.

Nothing herein contained shall affect, or be construed to affect, the right, title, claim, interest, or estate of any eldest son and heir of a popish parent, who hath before the 1st of November 1778, conformed himself to the church of Ireland, or of any person deriving by, or under such eldest son and heir of such popish parent.

S. 2.

No benefit to a protestant perverted to popery.

S. 7.

E

No

FRANCHISES.

S. 14.

No benefit to any person who hath not heretofore, or who shall not hereafter before the accruing of such benefit to such person being of the age of twenty-one years, or who being under the age of twenty-one years, shall not in six months after he or she shall attain the age of twenty-one, or being of unsound mind, or in prison, or beyond the seas, or under coverture, then within six months after such disability removed, take and subscribe the oath of allegiance and declaration prescribed by 13th and 14th Geo. 3. ch. 35. in one of the Four Courts, or at the quarter sessions of the peace for the county of Dublin, or before any of the going judges of assize in open court—Names of such persons as have taken and subscribed,

S. 15.

or shall hereafter take and subscribe the said oath and declaration, with their places of abode, and if laymen, with their quality, condition, titles, and places of abode, shall be entered upon rolls to be appointed for the purpose by the said respective courts, and the said rolls, once in every year, shall be transmitted to, and deposited in the Rolls Office of this kingdom, to remain amongst the records, and the proper officers of the Rolls Office, Four Courts, quarter sessions, and the said courts of assize, shall grant certificates under their hands, to all such persons who have already taken and subscribed, or shall hereafter take and subscribe the said oath of allegiance and declaration, in which certificates, the quality, condition, and titles, if laymen, and places of abode of all such persons shall be particularly specified, (for every of which certificates so granted the sum of two shillings, and no more shall be paid), which certificate shall be allowed in all courts of law and equity throughout this kingdom, as evidence of such person's having taken and subscribed the said oath of allegiance and declaration, as fully and effectually to all intents and purposes, as if the roll in which the same was entered were produced—And if any person shall forge or counterfeit, or procure to be forged or counterfeited, or willingly assist in the forging or counterfeiting and such certificate, every such person, being thereof convicted, shall be deemed guilty of felony without benefit of clergy.

32d Geo.
3. ch. 22.

Whereas many of his Majesty's subjects professing the popish religion have, thro' inadvertence or sickness, omitted to take and subscribe the said oath and declaration within the time prescribed by said acts of 17th and 18th Geo. 3d. ch. 49. and 21st and 22d. Geo. 3d. ch. 26. and are thereby excluded from the benefit of said acts, and are subject to divers penalties and disabilities in consequence of such omission; it is hereby enacted, that all persons professing the popish religion, who shall on or before the 1st November 1792, take and subscribe the said oath and declaration in some one of the Four Courts, at the quarter sessions for the county of Dublin, or before the going judges of assize in open court, shall be intitled to the benefits of said acts, to all intents and purposes whatsoever; and every such person who shall take and subscribe such oath and declaration within the time aforesaid, shall be freed and indemnified from all penalties and disabilities, to which he or she may be subject in consequence of such omission as aforesaid, as fully and effectually as if such person had taken and subscribed such oath and declaration, in such manner and form as are prescribed by said acts or either of them; saving to all persons who have, or shall have instituted or commenced any action, or suit in law or equity, previous to this act, all such right, title, estate and interest, both at law and equity, as they had, could, might or ought to have had, as fully to all intents whatsoever, as if this act never had been made.

2thly. FRANCHISES.

2d Eliz. ch.
1. f. 7.
1559.

A.L.L. and every person or persons that at any time hereafter shall be preferred, promoted or collated to any archbishoprick or bishoprick, or to any other ecclesiastical benefice, promotion, dignity, office or ministry, or preferred or promoted by the crown to any temporal or lay office, ministry or

FRANCHISES.

or service, shall, before he or they occupy the same, make the oath in this act mentioned, before such person as the crown, under the great seal of England or Ireland, or Lord Lieutenant, by letters patent made by warrant under the great seal of Ireland, shall appoint; on refusal, he or they shall be disabled to enjoy the same.

Lord Lieutenant and council, during seven years from the 29th of September 1665, may make and establish such rules, orders and directions for the better regulating of all cities, walled towns, and corporations, both new and old, and such as shall be created within this kingdom, and electing of magistrates and officers there, and to inflict such penalties for the breach thereof, as they shall think fit, so as the penalties for breach of the rules, orders and directions to be made touching such corporations, do not extend further than to the removal and disfranchisement of such persons as shall be found guilty of the breach thereof, and such rules, orders and directions shall be as good and effectual in law as if the same had been specially established by authority of this parliament, and shall continue in force for such and so long time as in the said rules, orders and directions shall be limited and appointed.

No person hereafter elected mayor, bailiff, sovereign, portreef, burgo-master, recorder, sheriff, treasurer, alderman, town-clerk, burgess, or one of the common council, or any magistrate, or such or the like officer within any city, walled town or corporation, or master or wardens of any corporation, guild or fraternity, within any city, walled town or corporation, shall be capable of holding, enjoying or executing any of the said offices, places or employments until he shall have taken the oath of supremacy established by 2d Eliz. ch. 1. and the oath of allegiance besides the oath usually taken upon the admission of any persons into the said offices, places or employments: the said oaths to be made before such persons as shall admit them to the said several offices, and upon any such person's refusal to take the said oaths, the election of such persons into any of the said offices is void, such persons only excepted, with whose making said oath of supremacy the Lord Lieutenant, for some particular reasons shall think fit, by writing under his hand, by name to dispense.

The oath of supremacy mentioned in 2d Eliz. ch. 1. is hereby abrogated;—and all persons that shall be admitted into any office or employment, ecclesiastical or civil, or come into any capacity in respect whereof they should have been obliged to take the said abrogated oath, shall take the oaths and declaration in this act mentioned, in such manner, at such times, and before such persons as they were directed to take the said abrogated oath.

Every person that shall be admitted into any office civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from her majesty, or shall have command or place of trust from or under her majesty, or by her authority, or by authority derived from her, within the realm of Ireland, shall take the oath of abjuration (prescribed by 13th Will. 3. ch. 6. and 1st Ann. st. 1, ch. 22. English) at the same time he or they make the oaths and declaration required by 3d W. & M. ch. 2. English, and all ecclesiastical persons, every master, governor, head or fellow of the college or university of Dublin, and all persons teaching pupils in said university or elsewhere, and all school-masters and ushers, and all preachers and teachers of separate congregations, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary; by practising as such in any court, shall take the oath of abjuration in the next term in one of the Four Courts, or at the next general quarter sessions of the peace where they shall reside.

Every person who shall neglect to take the said oaths shall incur the penalties mentioned in 13th Will. 3. ch. 6. English, viz. *shall be ipso facto incapable to enjoy and executing the same afterwards, shall, on conviction, be disabled to sue in law or in equity, to be guardian, executor or administrator, or take a legacy or deed of gift, or serve any office, and forfeit £50. to prosecutor.*

L 2

Persons

17th & 18th
Ch. 2. ch. 1.
f. 82,
1665.

25th Ch. 2
Rules by
Lord Lieut.
tenant and
Council.
1672.

31 W. &
M. ch. 2. f.
1, 4.
English.
1609.

1st Anne,
stat. 2. ch.
17. f. 5.
English.
1701.

S. 6.

File 13. W
3. ch. 3.

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S. 7.
S. 8.

Persons in England or beyond seas may take the oaths after return:

Any person, who, by neglect or refusal, shall lose or forfeit any office, may be capable of a new grant of said office (or of any other) such person taking the said oath, so as said office be not granted to another.

S. 12.

This act shall not extend to the office of any high constable, petty constable, tythingman, headborough, overseer of the poor, churchwardens, surveyors of the highways, or any like inferior officer, or to any office of forester or keeper of any park, chase, warren or game, or bailiff of any manor or lands, nor to any like private offices.

1st Geo. 1. st.
2. ch. 13. f.
33. English.

From and after the 29th of September 1715 the oath of abjuration, by this act appointed to be taken in Great Britain, shall be the oath of abjuration to be taken in Ireland.

1714.
6th Geo. 3.
ch. 53. f. 2.
English.

From the 1st of August 1776 the oath of abjuration, by this act appointed to be taken in Great Britain, shall be the oath of abjuration to be taken in Ireland.

1766.
ad Anne,
ch. 6. f. 16,
17. 1st Geo.
2. ch. 2. S. 1.
1702.

Every person that shall be admitted into any office civil or military, or shall receive any pay, salary, fee or wages belonging to any office or place of trust, by reason of any patent or grant from the crown, or having command or place of trust from or under the crown, or by its authority, or by authority derived from it, within this realm, shall in the same or next term, in one of the Four Courts, in open court, between the hour of nine and twelve in the forenoon, or between the said hours, at the same or next general quarter sessions for that county, barony or place where such persons, next after admission into such office, shall reside, take the several oaths, and repeat the declaration required by the 3d W. & M. ch. 2. in England, and also the oath of abjuration appointed by 1st Anne, ch. 22. in Eng. and also receive the sacrament of the Lord's Supper, according to the church of Ireland, in some public church, upon some Lord's day, commonly called Sunday, immediately after divine service and sermon, within three months after such admission, and in the court where said oaths are taken, shall first deliver a certificate of having received the sacrament as aforesaid, under the hands of minister and churchwardens, and make proof thereof by two witnesses on oath.

S. 18.

On refusal or neglect to do as aforesaid, such person shall be incapable to enjoy the said office or employment, and the same shall be void, and executing said offices or employments afterwards, shall, on conviction, be disabled to sue in law or equity, or to be guardian, executor, or administrator, or take a legacy or deed of gift, or bear any office, and forfeit £500. to prosecutor.

S. 21.

Persons who, by any neglect or refusal, shall forfeit any office, may be capable of a new grant of the said office (or of any other), and have and hold the same again, such person taking the said oaths and subscribing the same, and the said declaration, in such manner as aforesaid, and producing such certificate as aforesaid, and proving the same at the time of making the said oaths, so that such office be not granted to and actually enjoyed by some other person at the time of the re-granting thereof.

S. 22.

No such neglect shall affect a person in England, so that he makes the oaths and the declaration in one of the courts at Westminster, or at the general quarter sessions for the county or place where such person shall reside, and receive the sacrament according to the usage of the church of England, and produce such certificate thereof at the time of making the oaths and declaration, within the time appointed for performing the same within this kingdom.

No such neglect shall affect any person that during the time, or any part thereof, appointed for taking the said oaths and receiving the sacrament, shall be beyond the seas out of England and Ireland, or in King's service on board the fleet, so as such person do the next term, or at the next general quarter sessions for the county, barony or place where he shall reside after his return in England or Ireland, make the said oaths and declaration, and receive the said sacrament within four months after such his return, and shall deliver such certificate, and make such proof thereof at the time

or

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of making said oaths and declaration as aforesaid, either in England or Ireland.

No such neglect shall affect any under the age of eighteen, or found non compos mentis, so as such in four months after coming to the said age of eighteen, or becoming of sound mind, make the said oaths and declaration, and receive the said sacrament, and produce a certificate thereof as aforesaid, at the time of the making the said oaths in like manner as are herein before appointed to do.

No such neglect shall make void the grant of any office of *inheritance*, or any fee, salary or reward for executing such office, so as such person having such office, do substitute some protestant, being duly qualified to execute the said office, to be deputy, until the person having such office shall voluntarily, in one of the said courts make the said oaths and declaration, and receive the sacrament, and produce a certificate thereof at the time of taking the said oaths, and so as such deputy make the said oaths and declaration in one of the said courts, and receive said sacrament, and produce a certificate thereof at the time of his making said oaths and declaration, in such manner as such officer who substitutes such deputy is hereby appointed to do, and so as such deputy be approved of by the king, or Lord Lieutenant of this realm.

No such neglect shall extend to the office of any high constable, petty constable, overseer of the poor, churchwarden, surveyor of the highways, or in any like inferior civil office in the kingdom, or any office of forester or keeper of any park, chase, warren, game, or bailiff of any manor or lands, or any like private offices.

Persons who have not qualified according to the 2d Anne, ch. 6. are indemnified, provided they qualify on or before 25th of March 1720, and their office or employment be not already avoided or filled by any other; and the time for prosecution in said act to be within two years, and without delay—Time to qualify extended in such case to 1st August 1726, by 12th Geo. 1. ch. 6.—to 1st August 1762, by 1st Geo. 3. ch. 4.—to 1st August 1764, by 3d Geo. 3. ch. 3.—to 1st August 1766, by 5th Geo. 3. ch. 11.—to 1st August 1768, by 7th Geo. 3. ch. 16.—to 1st August 1774, by 11th Geo. 3. ch. 13. and 11th and 12 Geo. 3. ch. 29.—to 1st August 1775, by 13th and 14th Geo. 3. ch. 13.—to 1st August 1776, by 15th and 16th Geo. 3. ch. 5.—to 1st July 1778, by 17th and 18th Geo. 3. ch. 5.—to 24th June 1781, by 19th and 20th Geo. 3. ch. 28.—to 1st August 1782, by 21st and 22d Geo. 3. ch. 7.—to 1st August 1784, by 23d and 24th Geo. 3. ch. 16.—to 1st August 1785, by 25th Geo. 3. ch. 32.—to 6th November 1786, by 26th Geo. 3. ch. 44.—to 1st August 1787, by 27th Geo. 3. ch. 51.—to 1st August 1788, by 28th Geo. 3. ch. 41.—to 1st August 1789, by 19th Geo. 3. ch. 32.—to 1st August 1790, by 30th Geo. 3. ch. 21.—to 1st August 1790, by 31st Geo. 3. ch. 37.

From and after 24th of June 1716, no person of the popish religion shall be capable of being nominated, appointed, presented or sworn, or any ways serve as high constable in any country, barony, or half barony, or as petty constable in any manor, ward, parish constablewick, or place within this kingdom, but are to be proportionably taxed for the support of such officers.

To continue for three years and to the end of the next session of parliament, and no longer, and is expired.

Papists are not to be parochial watchmen in times of tumult and danger. Lord Lieutenant, the judge of such times, who may, when he shall judge necessary, issue proclamation for the finding of protestants, and none other to be parochial watch.

In absence of chief baron from Dublin, every person appointed to any office or employment, and who by the laws are to be sworn before the chief baron, and take the oaths of office before him, may be sworn into office in his said absence before the chancellor of the Exchequer or one of the barons.

Every

6th Geo. 2.
ch. 9.
1720.

1d Geo. 1.
ch. 12 s. 1. 3.
1715.

6th Geo. 1.
ch. 10. s. 4. 5.
1720.

8th Geo. 1.
ch. 6. s. 3.
1721.

3d W. & M. ch. 2. f. 4. English. 1690. Every person that shall become a barrister at law, attorney, clerk, or officer in chancery or any other court, and their deputies, and shall succeed or practise as such in Ireland, shall make the oaths and declaration in this act mentioned, in the King's Bench at Dublin, in open court, in term time, between nine and twelve in the forenoon, to be recorded before he shall be admitted to enjoy or exercise any place or office, or to practise or plead in any court of law or equity, or any court of record or not of record. If any of such persons offends contrary to this act he shall be disabled to hold or execute any office or place of profit or trust, ecclesiastical, civil or military, in any of his majesty's dominions, to sit or vote in either house of parliament, to make a proxy in the house of peers, to sue in law or equity, to be guardian, executor or administrator, to take a legacy or deed of gift, and forfeit £500. to him who shall sue for the same.

S. 7.

10th Will. 3 ch. 13. f. 1. 3. 1697.

No person after 1st March 1698, shall practise or act as solicitor, (except in their own suits, or as menial servants for their master) in any court of law or equity, or as agent or manager in any cause or suit in law or equity, or as senechal, or solicitor, in all or any of the courts or offices in this kingdom, who shall not educate his children in the protestant religion, and first take the oaths, and subscribe the declaration in this act mentioned (viz. those prescribed by 3d W. & M. ch. 2. English) under the penalty of £100, to prosecutor, and being disabled to be executor or administrator, or to take any legacy, gift, grant of lands, goods or chattels.

6th Anne, ch. 6. f. 1. 2. 9. 1706.

No papist, or reputed papist, shall be allowed (except in his own cause or as menial servant for his master) to practise or act as solicitor, agent or manager in any suit of law or equity, in any of the Four Courts, or in any court of record in this kingdom, or in any ecclesiastical court, or court of Admiralty, or as clerk in any sheriff's office, or on any commissions issued out of any court of equity, before he shall have taken the oaths and subscribed the declaration in the 10th Will. 3. ch. 13. mentioned, as also the oath of abjuration in this act mentioned, under the penalty of £200. to the prosecutor, and also incur and suffer the other penalties and disabilities in said act of 10th Will. 3. ch. 13. mentioned. Any person seeing or knowing a papist so to act, may openly in court desire the said oaths and declaration be forthwith tendered to him, on his refusal to take the same, and proof by two witnesses of his having so acted he shall be recorded convict, and forfeit said £200. to said prosecutor, and be committed in execution until he pays the same, and shall also incur the other penalties and disabilities in said act of 10th Will. 3. ch. 13. mentioned.

S. 3.

S. 4.

No barrister, attorney, officer, or other practiser in law or equity, shall be allowed to insist upon any privilege; so as to exempt, excuse, or hinder them, or any of them from giving their evidence or testimony, and answering on oath, as to their knowledge in any matter that shall or may come in question, in any suit brought upon this act, or that of 10th Will. 3. ch. 13.

S. 6.

No officer, or deputy officer, shall willingly and knowingly allow any popish solicitor, agent or manager as aforesaid, to view, search or inspect any of the records, pleadings, rules, orders or entries in his or their office or offices, or otherwise to practise or act as solicitor or agent there, upon pain of £50. to the prosecutor.

S. 7.

1st Geo. 2. ch. 20. f. 1. 1715.

Persons sued or prosecuted for any offence against this act, or the act of the 10th Will. 3 ch. 13. shall be held to special bail.

Every person who, after 1st of August 1728, shall apply to be called to the bar, or to be admitted a fix clerk, or attorney, or shall take upon him to practise as a solicitor, or to act as an officer, or deputy officer in any court of law or equity, shall, before such application, or taking on them to practise or act as aforesaid, take and subscribe the several oaths, and repeat and subscribe the declaration mentioned in the 2d Anne, ch. 6. And that every person converted from the popish to the protestant religion, or born of a popish parent or parents, who, after the 1st of August 1728, shall apply to be called to the bar, or to be admitted a fix clerk or attorney, or shall take upon him to practise as a solicitor, or to act as an officer or deputy officer as aforesaid

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aforesaid, shall, upon such application, or before taking on him to act or practise as aforesaid, prove before the Lord Chancellor, or Commissioners of the Great Seal, the two Chief Justices, the Chief Baron, the Justices of the one Bench and of the other, and the Barons of the Exchequer, or any two or more of them, (of which the Lord Chancellor, or one of the Commissioners of the Great Seal, or one of the Chief Justices, or the Chief Baron shall be one) by sufficient witness or witnesses, upon oath, that such person has professed himself and continued to be a protestant, for the space of two years immediately before the time of making such proof.

No person shall be admitted into the society of King's Inns as a student, who shall not, at the time of his admission, be of the protestant religion.

No person after the 1st of August 1728, shall be capable of acting as a sub-sheriff, or sheriff's clerk, who shall not have been a protestant for five years immediately before such his acting, under penalty of being subject to such disabilities and incapacities as persons professing the popish religion are.

No person after Michaelmas 1734, except in capital cases, shall be admitted an attorney, or licensed to be a solicitor in any of the Four Courts, or on circuit, or before a commissioner of revenue, or their sub-commissioners, or the commissioners of appeal, who hath not been a protestant from his age of fourteen years, or for two years before his being admitted an apprentice, and who shall not at the time of his admission take all the oaths, and subscribe the declaration required of persons to be admitted into offices, by the 2d Anne, ch. 6. together with the oath in this act mentioned.

The court may on *suspicion*, or on notice signed, summon a disqualified solicitor, and on non-appearance, or proof, punish as for contempt, by fine, not above £50. nor less than £25 or imprisonment not above six months; in case of punishment, not liable to the other punishments in the former acts.

Every person shall be deemed a solicitor within this and the former acts against popish solicitors, who, not being qualified, draws, dictates or abbreviates pleadings, or transcribes, or abbreviates any depositions or other evidence, in order to be made use of in any suit, at law or in equity, or takes upon himself the direction or management in any suit, or the defence thereof in the Four Courts, wherein he is not a party nor concerned in interest.

The oaths and declaration required by the 6th Anne, ch. 6. and 1st Geo. 2d ch. 20. respectively to be taken and subscribed by every person who shall be admitted to practise as a *counsellor or barrister at law, attorney, solicitor or notary*, shall from and after 24th June 1792, be no longer required to be taken or subscribed by any person professing the Roman Catholic religion, as a qualification to enable him to be admitted to the *bar*, or to act as an *attorney, solicitor or notary*, but the oath of allegiance appointed by the 13th and 14th Geo. 3d ch. 35. shall, from and after said 24th June 1792, be administered taken and subscribed to and by persons professing the Roman Catholic religion, and desiring to be admitted to the *bar* or to become *attornies, solicitors or notaries*, in the stead of the said oaths and declaration, and shall be administered taken and subscribed in the same courts, and registered in the same manner as the oaths and declaration in the room of which the said oath is hereby substituted, are now by law required to be taken subscribed and registered, and when taken subscribed and registered, shall for the purpose of enabling persons professing the Roman Catholic religion to be admitted *barristers*, and to practise as *attornies, solicitors and notaries* have the same effect and operation to all intents and purposes, as the taking and subscribing the oaths and declaration in the room of which the same is hereby substituted, could have had, any law to the contrary notwithstanding.

Provided that nothing herein contained shall extend to enable or qualify any person to hold or enjoy the place or office of *King's Council*.

So much of an act of the 10th W. 3d ch. 13. as enacts that no person shall act as *solicitor, agent or manager* of any suit who shall not educate his children in the protestant religion, shall not extend to such persons professing the popish religion

21st & 22d Geo. 3. ch.

32. f. 1.

1782.

1st Geo. 2.

ch 10. f. 4.

1727.

7th Geo. 2.

ch. 5. f. 1.

17, 18.

1733.

S. 5.

S. 6.

32d Geo. 3.

ch. 21.

S. 1.

1752.

S. 4.

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religion who shall be admitted to act as solicitor, agent or notary under this act.

So much of 7th Geo. 2. ch. 5. as enacts that "no person shall be admitted an attorney or licensed to be a solicitor in any of the Four Courts, who shall not have been a protestant from his age of 14 years or for 2 years before his being admitted an apprentice" is hereby repealed.

S. 6.

So much of the 1st Geo. 2. ch. 20. as enacts, that "every person converted from the popish to the protestant religion, or born of a popish parent or parents, who from and after the 1st August 1728, shall apply to be called to the bar, or to be admitted a fix clerk or attorney, or shall take upon him to practise as a solicitor, or to act as an officer or deputy officer as aforesaid, shall upon such application, or before taking on him to act or to practise as aforesaid, prove before the Lord Chancellor or the Commissioners of the Great Seal, the two Chief Justices, the Chief Baron, the Justices of the one Bench and of the other, and the Barons of the Exchequer in Ireland for the time being, or any two or more of them (of which the Lord Chancellor or one of the Commissioners of the Great Seal, or one of the said Chief Justices, or the Chief Baron for the time being shall be one) by sufficient witness or witnesses upon oath, which they or any two of them were thereby authorized to administer that such person has professed himself, and continued to be a protestant for the space of two years immediately before the time of making such proof" is hereby repealed.

S. 7.

All and every person or persons whose name shall have been entered as a student in any of the Inns of Court in England, previous to the 20th January 1792, may and shall be permitted to enter his name with the Treasurer of the King's Inns, Dublin, as of the day on which the certificate of his entry into such English Inn of Court bears date; and the said Treasurer is hereby authorized and required to make a special entry for that purpose on such person or persons producing to him the said certificate. Provided always that all and every person or persons professing the popish religion, who shall desire to have his name so entered, shall also produce a certificate of his having taken the oath of allegiance appointed to be taken and subscribed by the aforesaid act of 13th & 14th Geo. 3. ch. 35. All and every person or persons whose names shall be entered in the King's Inns, Dublin, by virtue of this act, shall be admitted to the degree of Barrister at law in like manner and form as if he had been entered a student in the King's Inns in Dublin on the day of the date of the said English certificate. From and after the passing of this act so much of the 21st and 22d Geo. 3. ch. 32. as enacts, "that no person shall be admitted into the said Society as a student who shall not at the time of his admission be of the protestant religion," is hereby repealed.

3d W. &
M. ch. 2.
S. c. Eng.
1690.

S. 6.

No peer of Ireland or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in said house, nor shall any member of the house of commons be capable to vote in said house or sit there during any debate in the same, after their speaker is chosen, until he first take and subscribe the oaths and declaration mentioned in this act, which oaths and declaration shall be in every parliament publicly made betwixt nine in the morning and four in the afternoon, by every peer and member of the house of peers, at the table in the middle of the room, before he takes his place, and whilst a full house of peers is present, and their speaker in his place; and by every member of the house of commons, at the table in the middle of the house, and whilst a full house of commons is sitting, with their speaker in his chair. If any peer or member of the house of peers, or member of the house of commons, offend contrary to this act, such person shall be disabled to hold or execute any office or place of profit or trust, ecclesiastical civil or military, to sit or vote in either house of parliament, or make a proxy in the house of peers, to sue in law or equity, to be guardian, executor or administrator, to take any legacy or deed of gift, and shall forfeit £500 to him who shall sue for the same.

S. 7.

No.

FRANCHISES.

No peer of Ireland or member of the house of peers, shall vote or make his proxy in the said house, or sit there during any debate, nor any member of the house of commons in Ireland, shall vote or sit there during any debate after the speaker is chosen, until such peer or member shall take the oath of abjuration (prescribed by 13th Will. 3. ch. 6. and 1st Ann. st. 1. ch. 22. Eng.) at the same time, and in such manner as is directed for making the declaration mentioned in 3d W. & M. ch. 2. Eng. under the penalties in the 13th Will. 3. ch. 6. Eng. expressed touching peers in parliament, and members of the house of commons—viz.—“shall be adjudged a papist recusant convict, and shall be disabled to hold any place of profit or trust, civil or military, and to sit and vote in either house of parliament, or to make a proxy in the house of peers, or to sue in law or in equity, or to be guardian, executor, or administrator, or capable of any legacy or deed of gift, and shall forfeit £500. to him who shall sue for the same in any of his majesty's courts at Westminster.”

1st Ann. st.
2. ch. 17. S.
10. 11. Eng.
1701.

From, and after the 24th of March 1703, no freeholder, burgess, freeman, or inhabitant of this kingdom, being a papist or person professing the popish religion, shall at any time hereafter be capable of giving his vote for the electing of knights of any shires or counties within this kingdom, or citizens; or burgesses to serve in any succeeding parliament, without first repairing to the general quarter sessions of the peace to be holden for the counties, cities, or borough, wherein he inhabits or dwells, and there voluntarily take the oaths of allegiance and abjuration—To be entered by the clerk of the peace, and a certificate thereof given, paying one shilling, on producing which he shall be permitted to vote, as fully as any protestant, otherwise rejected.

2d Ann. ch.
6. S. 24.
1702.

From, and after the 24th of June next, no freeholders, burgesses, freeman, or inhabitant, being a papist or person professing the popish religion, shall be admitted to his vote, in the election of knights, citizens, or burgesses to serve in parliament, unless such person shall have taken the oaths of allegiance and abjuration, at least six calendar months before the day of such election, and shall also take the said oaths at the day of said election, if required so to do by the sheriff, one of the candidates, or any person having a right to vote at said election—In case any papist or person professing the popish religion, shall, contrary to this act give his vote at any election in parliament, and be thereof convicted, he shall forfeit £100. one moiety to the king, and the other to the informer.

2d Geo. 1st.
ch. 19. S. 7.
1715.

No papist, though not convict, shall be intitled to vote at the election of any member to serve in parliament, or at the election of any magistrate for any city or other town corporate.

1st Geo. 2.
ch. 9. S. 7.
1727.

From, and after the 1st of May 1746, any of the candidates, at any election of members to serve in parliament, or any other person having a right to vote at such election, may require from every freeholder before he is admitted to poll at such election an oath in which he must swear, that he is not a papist, nor married to a papist, and that he does not educate, or suffer to be educated any of his children under the age of fourteen years in the popish religion—In the case of a convert the words, “that he is not a papist,” shall be omitted, and instead thereof shall be inserted, “that he was educated in the popish religion, and has conformed to the Church of Ireland as by law established, and has not since his conformity married a popish wife”—which oath is conclusive evidence to the sheriff.

19th Geo. 2.
ch. 41. S. 4.
7-
21st Geo. 2.
ch. 10. S. 3.
6.
15th & 16th
Geo. 3. ch.
16. S. 9. 10.
1745.

No person intitled to vote in right of being a protestant inhabitant only for any members to serve in parliament for any borough in this kingdom, where the right of voting is vested in the protestant inhabitants in general, or protestant inhabitants and others, or for chief magistrates, burgesses, or freemen, who shall not, if required, take a similar oath, which is conclusive evidence to the returning officer.

3d Geo. 3.
ch. 13. S. 5.
15th & 16th
Geo. 3. ch.
16. S. 12.
21st & 22d
Geo. 3. ch.
21. S. 7.
1782.

No inhabitant of any parish in this kingdom, being a papist, shall at any time hereafter be capable of giving his or their vote at any vestry or vestries in this kingdom, to be held for the purpose of ordering and assessing money for rebuilding and repairing parish churches.

12th Geo. 1.
ch. 9. f. 7.
No
1745.

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6th Ann. ch. 5. 1706. papist shall serve on, or be returned to serve on, any grand jury in K. B. or in any court before justices of assize, oyer and terminer, or goal-delivery, or quarter sessions, unless it shall appear to the court, that a sufficient number of protestants cannot then be had for that service—And in all trials of issues on any presentment, indictment, or information, or action on any of the popery laws, it shall and may be lawful to and for the prosecutor or plaintiff to challenge any papist returned as juror to try the same, and assign for cause that the person so returned to serve is a papist; which challenge the court shall allow and adjudge the same to be a good and loyal challenge.
- 29th Geo. 2. ch. 6. S. 1. 1755. Papists to serve on juries must have £10. per annum clear freehold except in counties of cities and towns—No papist to serve on juries in actions between protestants and papists,—challenge to such papist shall be allowed, if proved.
This act in force to the 1st May 1758, and to the end of the then next session of parliament—revived and continued to the 1st of May 1771, and to the end of the then next session of parliament by 1st Geo. 3. ch. 17. f. 9.—Revived and made perpetual by 13th and 14th Geo. 3. ch. 41. f. 1.
- 11th Geo. 2. ch. 7. S. 3. 1737. No papist, or reputed papist shall be capable of serving as a juror upon trials for enlisting persons in foreign service.
King's and university professorships of physic shall be open to protestants of all nations, provided they shall have taken medical degrees, or shall have obtained a licence to practise from said college of physicians, in consequence of a testimonium under the seal of Trinity College Dublin.
- 25th Geo. 3. ch. 42. S. 16. 1785. From and after the end of this session, no person exercising or using the mystery, or art of making any locks or barrels for guns, muskets, pistols, or other fire-arms or of making swords, bayonets, sheives, knives, or other weapons, shall take to apprentice, or use, receive or instruct as an apprentice, any person of the popish religion, on pain of £10. one moiety to the king, and the other to the prosecutor.
- 7th Will. 3. ch. 5. S. 8. 1694. The indenture of apprenticeship, and all bonds and contracts to be made, by reason of any such popish person being put to be an apprentice, shall be void.—And every such person of the popish religion, who shall be put to be an apprentice, instructed contrary to this act, and who shall exercise the said art or mystery, shall forfeit £20. to the use of the king and prosecutor.
- S. 9. And the justices of the peace and head officers of cities, boroughs, and towns corporate are required to send for all apprentices of such person exercising the art aforesaid, whom they shall suspect, and shall tender to them the oath and declaration prescribed by this act, to be by them taken and subscribed, and the refusal of such persons to take said oaths, or subscribe said declaration, shall be a conviction of his being guilty, as also of the master of such apprentice, unless such master shall prove, that such apprentice, at the time of entering his service, was known or reputed to be of the protestant religion.
- 8th Ann ch. 3. S. 37. 1708. No papist or papists, who are or shall be permitted to follow any trade, craft, or mystery, in this kingdom, shall hereafter take or keep more than two apprentices, at a time, in any such trade, craft, or mystery (except the hempen and flaxen manufacture) and that for no less a term than seven years, under the penalty of £100. to the prosecutor.
- 32d Geo. 3. ch. 21. S. 16. 1792. So much of the said act of 8th Anne, ch. 3. as enacts "that no papist or papists who are or shall be permitted to follow any trade, craft or mystery in this kingdom shall take or keep more than two apprentices, and that for no less a term than seven years," is hereby repealed.
- 6th Ann. ch. 6. S. 6. 1706. No attorney, *six clerk*, solicitor, officer, or deputy officer, of any of the four courts, or of any court of record, *ecclesiastical or admiralty*, shall presume to take any papist, or reputed papist to be apprentice or clerk.
- 7th Geo. 2. ch. 4. S. 4. 1710. Every master in Chancery, *six clerk* in Chancery, barrister at law, attorney and officer of any of the four courts, and all and every deputy and deputies of such officers, and every solicitor, shall, before licensed, make oath,

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oath, that they will not knowingly take as an apprentice, or employ as clerk or solicitor, any person of the popish religion.

It shall and may be lawful to and for any attorney or solicitor to have, keep, or employ as an apprentice or clerk, any person professing the Roman Catholic Religion, who shall have previously duly taken and subscribed in the K. B. the oath of allegiance set forth in the 13th & 14th Geo. 3. ch. 35.

—And from the passing of this act, the words following (so be it) "and that I will not knowingly take as an apprentice or employ as clerk or solicitor any person of the popish religion" shall be omitted in the oath required by the 7th Geo. 3. ch. 5. to be taken by every Master in chancery, Six clerk of the Court of Chancery, barrister at law, attorney and officer of any of the courts in Dublin, and every deputy of such officer, and every solicitor.

From henceforth it shall and may be lawful for every manufacturer, as well journeyman as master, to take as many apprentices, male or female, as he may think fit, in any trade, within this kingdom, whether such master or apprentice be protestant or papist, any statute, usage, custom, charter, bye-law, order or regulation to the contrary notwithstanding.

But notwithstanding the above act, it seems, (to this COMMITTEE) that persons apprenticed, under the direction of authorized establishments for education, are under the terms of these establishments, still invariably to be apprenticed to protestants.

Yet it is expressly provided that the £4000. granted by this act, to be expended in apprentice fees to such tradesmen or manufacturers, as take children from charter-schools, or the Foundling Hospital in Dublin, shall be to protestant tradesmen, or manufacturers only.

All statutes made in England or Great Britain, and all such clauses and provisions contained in any statute there made, as relate to the taking any oath or oaths, or making or subscribing any declaration in this kingdom, or any penalty or disability for omitting the same, shall be accepted, used and executed in this kingdom.

31d Geo. 3.
ch. 27. S. 4.
1792.

19th & 20th
Geo. 3. ch.
19. S. 3.
1780.

25th Geo. 3.
ch. 48. S. 11,
13.

1785.
21st & 22d
Geo. 3. ch.
48. S. 3.
1782.

YOUR COMMITTEE submit to you this view of the CATHOLIC PENAL STATUTES, under the galling yoke of which your country, has so long, and so patiently languished; statutes unexampled for their inhumanity, their unwarrantableness, and their impolicy. The legislature, which is instituted to protect and cherish the people, has here overspread the land with laws, as with so many traps, to ensnare the subject in the performance of the obvious and necessary duties of life. We recognize a free state in the right, exercised by its inhabitants, of framing laws for the security of their liberty and property against all invasion; but with us, the order of civil association is reversed, and the law becomes the foe, the sustainer that violates the rights, and destroys the harmony of society. That this infamous system of political torture, was not warranted by any alleged delinquency on the part of our catholic brethren, is notorious; for it was devised in times of profound tranquillity. We cannot then refrain from acknowledging with sympathy that signal forbearance in our oppressed countrymen, which, joined with a laudable sense of shame in the persons insidiously authorized to give efficacy to these acts, has preserved our country from the calamitous consequences of such flagitious misgovernment.

As for the favoured part of the community, your COMMITTEE considering that this code, in its expanded operations over this realm, is utterly subversive of the fundamental principles of the constitution, feel it their duty seriously to inculcate this truth, that our liberties must ever rest on the most precarious foundation, while seven-eighths of our fellow citizens remain pallied in the exercise of those rights which were our common inheritance.

A divided people, governed by foreign influence, and domestic corruption, presenting but a remnant of its citizens for the exercise of political freedom, and but a remnant of that remnant represented in parliament, we submit

mit to laws enacted, and taxes imposed not only without our consent, but against our declared sense.——And from the specimen before us, and our daily experience, what laws may not be enacted? We have therefore no security against any encroachments whatsoever of an arbitrary ministry.——Nor have we any stronger barrier to oppose to the invasion of a foreign enemy; for who will vainly expect that a people bereft by law of the means of self-defence, and alien in their native land, should rise to defend rights from which they are excluded, or a country which they cannot call their own?—FOR WHERE THERE IS LIBERTY, THERE IS OUR COUNTRY.

Now if we examine the principles of our religion, we shall therein discover nothing to warrant this odious system of oppression. On the contrary, we are instructed by its fundamental tenets, in the practice of unbounded charity, an essential duty of which, is to dispense to others, that religious and political liberty which we ourselves enjoy. As little can we discover in the real religious tenets of our catholic brethren, any inconsistency whatsoever with, or any incapacity for the functions of free citizens, unless the Machiavelian policy of our rulers, or the prejudice of individuals shall be suffered to blindfold us for ever.——And shall we still be discouraged by the bugbear cry of POPERY from imparting the rights of citizenship to our catholic brethren, while we feel the evils of popery under our own established hierarchy? We see civil and religious indulgences dealt out in return for civil and religious corruption.——We see the power and riches of our church tenaciously maintained by the impoverishment of the people.——We see a bigotted imputation of opinions made to our catholic fellow citizens incompatible with common sense and our own conviction.——Where then is your boasted liberality, in tolerating the catholic religion? You may impiously usurp the divine prerogative of granting toleration to the catholic religion, but you deny political toleration to a catholic people, who in their native land support a government for your exclusive advantage. What a spectacle therefore for the execration of all public-spirited minds, here stands this black code, worthy of a Turkish divan, surrounded with the embellishments of a free constitution! And the people still continue insensible to the mischiefs it has already produced, and those which it threatens. For you then it remains, to instruct them, that no constitution can be secure, unless the body of the people have an equal interest therein—to remind them that, as our cause is common, our rights must be common.

ORDERED,

That the foregoing Report be printed.

J. N. TANDY, *Secretary.*

A N

A P P E N D I X

O F T H E

O A T H S A N D D E C L A R A T I O N S

A L L U D E D T O I N T H E

F O R E G O I N G R E P O R T.

Oath of Allegiance.

I, *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to her majesty Queen Anne, 2d Ann. ch. 6.
So help me God.

Declaration.

I, *A. B.* do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof, by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous: And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by protestants, without any evasion, equivocation or mental reservation whatsoever; and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of dispensation from any person or authority whatsoever, or without believing that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope or any other person or persons, or power whatsoever should dispense with or annul the same, or declare that it was null and void from the beginning.

The Oath of Abjuration.

I, *A. B.* do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our sovereign lady Queen Anne, is lawful and rightful queen of this sealm, and of all other her majesty's dominions and countries thereunto belonging: And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be Prince of Wales, during the life of the late King James, and since his decease, pretending to be, and taking upon himself the stile and title of King of England, by the name of James the Third, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging: And I do renounce, refuse and abjure any allegiance or obedience to him; and I do swear that I will bear faith and true allegiance

A P P E N D I X.

allegiance to her majesty Queen Anne, and her will defend to the utmost of my power against all traiterous conspiracies and attempts whatsoever, which shall be made against her person, crown or dignity; and I will do my best endeavour to disclose and make known to her majesty and her successors, all treasons and traiterous conspiracies, which I shall know, to be against her or any of them; and I do faithfully promise to the utmost of my power to support, maintain and defend the limitation and succession of the crown against him the said James, and all other persons whatsoever, as the same is and stands limited by an act intituled, "An act declaring the Right and Liberties of the Subject, and settling the Succession of the Crown, to her present Majesty; and the Heirs of her Body being protestants;" and as the same by one other act, intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands limited, after the decease of her Majesty, and for Default of issue of her Majesty, to the Princess Sophia, Electress and Dutchess Dowager of Hanover, any the Heirs of her Body being Protestants;" and all these things I do plainly and sincerely acknowledge and swear, according to the express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly and truly upon the true faith of a christian.

So help me God.

Oath of Allegiance and Declaration.

11th & 14th
Geo. 3. ch.
35. s. 1.

I, *A. B.* do take Almighty God and his only son Jesus Christ my Redeemer to witness, that I will be faithful and bear true allegiance to our most gracious sovereign lord King George the Third, and him will defend to the utmost of my power, against all conspiracies and attempts whatsoever, that shall be made against his person, crown and dignity; and I will do my utmost endeavour to disclose and make known to his majesty, and his heirs, all treasons and traiterous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the crown in his majesty's family against any person or persons whatsoever, hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the stile and title of Prince of Wales in the lifetime of his father, and who since his death is said to have assumed the stile and title of King of Great Britain and Ireland, by the name of Charles the Third, and to any other person claiming or pretending a right to the crown of these realms; and I do swear that I do reject and detest, as unchristian and impious to believe, that it is lawful to murder or destroy any person or persons whatsoever for, or under pretence of their being hereticks, and also that unchristian and impious principle, that no faith is to be kept with hereticks; I further declare that it is no article of my faith, and that I do renounce, reject and abjure the opinion, that Princes excommunicated by the Pope and council, or by any authority of the see of Rome, or by any authority whatsoever, may be deposed and murdered by their subject, or by any person whatsoever; and I do promise that I will not hold, maintain or abet any such opinion, or any other opinion contrary to what is expressed in this declaration; and I do declare that I do not believe that the pope of Rome, or any other foreign prince, prelate, state or potentate hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm; and I do solemnly, in the presence of God, and of his only son Jesus Christ my redeemer, profess, testify and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the word of this oath, without any evasion, equivocation or mental reservation whatsoever, and without any dispensation already granted by the Pope, or any authority of the see of Rome, or any person whatever, and without thinking that I am or can be acquitted before God or man, or absolved

APPENDIX.

absolved of this declaration, or any part thereof, although the Pope or any other person or persons or authority whatsoever, shall dispense with or annul the same, or declare that it was null and void from the beginning.

So help me God.

Declarations.

I, *A. B.* do solemnly and sincerely, in the presence of God, profess, testify and declare, that I do believe, in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever, and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous; and I solemnly, in the presence of God, profess, testify and declare that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by protestants, without any evasion, equivocation or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without believing that I am or can be acquitted, before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.

3d W. & M.
ch. 2. s. 5.
Eng.
10th Will.
3. ch. 13.
7th Will. 3.
ch. 5. s. 9.

So help me God.

Oath of Allegiance.

I, *A. B.* do solemnly promise and swear that I will be faithful and bear true allegiance to their majesties King William and Queen Mary.

So help me God.

Oath of Abjuration.

I, *A. B.* do swear that I do from my heart abhor, detest and abjure, as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever; and I do declare that no foreign prince, person, prelate, state or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm.

So help me God.

Oath of Abjuration.

I, *A. B.* do truly and sincerely acknowledge, profess, testify and declare, in my conscience, before God and the world, that our sovereign lord King George is lawful and rightful king of this realm, and all other his majesty's dominions and countries thereto belonging; and I do solemnly and sincerely declare that I do believe in my conscience, that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James the Second, and since his decease pretended to be, and took upon himself the stile and title of King of England by the name of James the Third, or of Scotland, by the name of James the Eighth, or the stile and title of King of Great Britain, hath any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging; and I do renounce, refuse and abjure any allegiance or obedience to any of them; and I do swear that I will bear faith and true allegiance to his majesty.

13th Will.
3. ch. 6.
English.
1st Anne, s.
1. ch. 2.
English.
6th Anne.
ch. 6.
1st Geo. 3.
1. ch. 1.
English.
1st Geo. 4.
1. ch. 1.

APPENDIX.

His Majesty King George, and him will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown or dignity, and I will to my utmost endeavour to disclose and make known to his majesty and his successors, all treasons and traitorous conspiracies which I shall know to be against him or any of them: and I do faithfully promise, to the utmost of my power to support, maintain and defend the succession of the crown against the descendants of the said James, and against all other persons whatsoever, which succession, by an act intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stand limited to the princess Sophia, electress and dutchess dowager of Hanover, and the heirs of her body, being protestants; and all these things I do plainly and sincerely acknowledge and swear according to these express words, without any equivocation, mental evasion or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation, and promise heartily, willingly and truly, upon the true faith of a christian.

So help me God.

Oath of Attorney, &c.

7th Geo. 2.
ch. 5. s. 4. I, A. B. do sincerely promise and swear, that I will not willingly or knowingly suffer any barrister at law, attorney, solicitor, or other person, who by any act of parliament made in this kingdom, is disqualified to practise as a barrister at law, attorney or solicitor, to act or practise in my name in any suit, cause or matter in any court of law or equity in this kingdom.

So help me God.

Oath of a Person claiming to vote as a Freeholder or as a Protestant Inhabitant of a Borough for electing Members to serve in Parliament.

I, A. B. do swear that I am not a papist, nor married to a papist, and I do not educate, or suffer to be educated, any of my children under the age of fourteen years in the popish religion.

So help me God.

11th & 22d
Geo. 3. ch.
21.

Oath of a Convert claiming to vote as a Freeholder or as a Protestant Inhabitant of a Borough for electing Members to serve in Parliament.

15th & 16th
Geo. 3. ch.
11.
21st & 22d
Geo. 3. ch.

I, A. B. do swear that I have not since my conformity to the protestant religion married any papist now living, and I do not educate, or suffer to be educated, any of my children under the age of fourteen years in the popish religion.

So help me God.

